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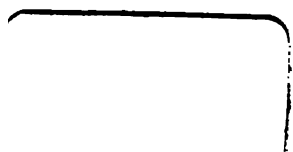






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# New York State Library

MELVIL DEWEY, Director

## Bulletin 85 LEGISLATION 20

### DIGEST OF GOVERNORS MESSAGES 1903

INCLUDING RELATED TOPICS IN PRESIDENT'S MESSAGE

Ap. 1, 1902 to Ap. 1, 1903

EDITED BY  
Robert H. Whitten *Sociology Librarian*

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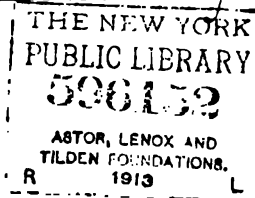
University of the State of New York

# New York State Library

MELVIL DEWEY Director

Bulletin 85

LEGISLATION 20



## DIGEST OF GOVERNORS MESSAGES 1903

INCLUDING RELATED TOPICS IN THE PRESIDENT'S MESSAGE

Ap. 1 1902 to Ap. 1 1903

EDITED BY

Robert H. Whitten *Sociology Librarian*

### PREFACE

As a contribution to better organization of material for comparative study of state government and laws the State Library now issues three annual bulletins: *Digest of Governors Messages*, *Summary and Index of Legislation*, and *Review of Legislation*.

The present *Digest of Governors Messages*, the second of its series, is a topical digest covering all the states and including related topics in the president's message.

The *Summary and Index of Legislation* is a minutely classified summary or index of new laws passed by all the states, including votes on constitutional amendments and decisions declaring statutes unconstitutional.

The *Review of Legislation* contains contributions from specialists in all parts of the country reviewing governors' recommendations and laws enacted on each important subject.

These three closely related annuals make up a yearbook of comparative legislation useful to legislators, public officers, journalists, investigators and all interested in keeping track of the movement of legislation in general or on any special subject. The subscription price of the three or more bulletins issued each year is \$1.

MELVIL DEWEY

## N. Y. STATE LIBRARY GOVERNORS MESSAGES 1903

**EXPLANATIONS**

**Scope.** The digest includes all regular messages and all special messages recommending legislation. Veto messages and messages merely transmitting documents are not included. Topics in the president's message related to those with which the states have to deal are also included. As the journals of but few of the states are received in time for use, we have to rely on the executive department of each state to furnish lists and copies of the messages.

**Method.** The attempt is made to include all definite recommendations concerning legislation made by the governors in the messages. Leading sentences or paragraphs are taken to show all important recommendations. These excerpts are alphabetized by state under each topic. A mere index entry is given at the beginning of each topic for recommendations of minor interest and for general or miscellaneous remarks or comment. A great many of these index entries will be found under each important subject such as Labor, Agriculture, Schools etc. In most cases when coming under these very general heads they stand for a few very general comments or a number of miscellaneous facts or statistics.

**Citations.** The citations give state, governor, day, month and year of message, and inclusive paging. The abbreviations used are given below. Many special messages are received in manuscript form and no page reference can be given.

**Classification.** The classification of the digest is the same as that used in the *Summary and Index of Legislation* and will continue unchanged from year to year, except for insertion of new headings necessitated by new subjects of legislation. The numbers assigned to headings will also remain unchanged so that readers can follow recommendations and laws on any subject by looking under the same marginal number in each bulletin. The numbering corresponds to the consecutive numbering of headings in our card index of legislation 1890 to date. Where there are no recommendations this subject number is skipped.

## ABBREVIATIONS

## ABBREVIATIONS

## Months

Ja	January	Ap	April	Jul	July	O	October
F	February	My	May	Ag	August	N	November
Mr	March	Je	June	S	September	D	December

## States and territories

Ala.	Alabama	Neb.	Nebraska
Ari.	Arizona	Nev.	Nevada
Ark.	Arkansas	N. C.	North Carolina
Cal.	California	N. D.	North Dakota
Col.	Colorado	N. H.	New Hampshire
Ct.	Connecticut	N. J.	New Jersey
Del.	Delaware	N. M.	New Mexico
Fla.	Florida	N. Y.	New York
Ga.	Georgia	O.	Ohio
Ia.	Iowa	Okl.	Oklahoma
Id.	Idaho	Or.	Oregon
Ill.	Illinois	Pa.	Pennsylvania
Ind.	Indiana	R. I.	Rhode Island
Kan.	Kansas	S. C.	South Carolina
Ky.	Kentucky	S. D.	South Dakota
La.	Louisiana	Tenn.	Tennessee
Mass.	Massachusetts	Tex.	Texas
Md.	Maryland	U.	Utah
Me.	Maine	Va.	Virginia
Mich.	Michigan	Vt.	Vermont
Minn.	Minnesota	W. Va.	West Virginia
Miss.	Mississippi	Wash.	Washington
Mo.	Missouri	Wis.	Wisconsin
Mon.	Montana	Wy.	Wyoming

## N. Y. STATE LIBRARY GOVERNORS MESSAGES 1903

## MESSAGES INCLUDED IN THE DIGEST

Period covered, Ap. 1, 1902 to Ap. 1, 1903. In many states when is a change of governors a message or address is sent or delivered Legislature by both the outgoing and incoming governor. In the following where messages by different governors are listed for the same very near dates, the first is the message of the outgoing governor the second that of the incoming.

STATES AND TERRITORIES	Governor	Date	Pages	Subject of special
Alabama .....	William D. Jelks .....	14 Ja 03	24	
Arizona .....	Alexander O. Brodie.....	19 Ja 03	29	
Arkansas.....	Jefferson Davis.....	14 Ja 03	44	
California....	Henry T. Gage.....	5 Ja 03	99	
	George C. Pardee.....	7 Ja 03	22	
Colorado.....	James B. Orman.....	10 Ja 03	71	
	James H. Peabody.....	13 Ja 03	36	
Connecticut...	Abiram Chamberlain....	7 Ja 03	22	
Delaware.....	John Hunn.....	6 Ja 03	20	
Georgia.....	Allen D. Candler.....	22 O 02	28	
	Joseph M. Terrell.....	8 N 02	11	
Idaho.....	John T. Morrison.....	5 Ja 03	29	Deposit of state
		25 F 03		
Illinois.....	Richard Yates.....	7 Ja 03	56	
		7 Ja 03	16	Civil service
Indiana.....	Winfield T. Durbin.....	8 Ja 03	37	
Kansas.....	W. J. Bailey.....	13 Ja 03	19	
Louisiana.....	W. W. Heard.....	12 My 02	52	
Maine.....	John F. Hill.....	8 Ja 03	26	
		27 Mr 03		Appropriations
Maryland.....	John Walter Smith.....	16 Ap 02 <sup>a</sup>		
Massachusetts.	John L. Bates.....	8 Ja 03	52	
Michigan.....	A. T. Bliss.....	8 Ja 03	24	
Minnesota.....	S. R. Van Sant.....	7 Ja 03	31	
		8 Ja 03	10	
Missouri.....	Alexander M. Dockery }	19 Ja 03		Improvement c
Montana.....	Joseph K. Toole.....	5 Ja 03	57	
	Ezra P. Savage.....	6 Ja 03	39	
		6 Ja 03	11	
		9 Mr 03		Fees of comm of public la buildings
Nebraska ...	John H. Mickey.....	10 Mr 03		Street improve
		11 Mr 03		Omissions fr appropriation l
		30 Mr 03		Delinquent tax
Nevada.....	Reinhold Sadler.....	23 Ja 03	18	
	John Sparks.....	23 Ja 03	9	
N. Hampshire.	Nahum J. Bachelder....	7 Ja 03	18	
New Jersey...	Franklin Murphy.....	13 Ja 03	22	
New Mexico...	Miguel A. Otero.....	19 Ja 03	60	
		18 Mr 03		St Louis Expo
New York ....	B. B. Odell jr.....	7 Ja 03	38	
		20 F 03	4	Special legalizi
North Carolina.	Charles B. Aycock.....	7 Ja 03	50	
North Dakota..	Frank White.....	8 Ja 03	16	

<sup>a</sup> Extra session.

## MESSAGES INCLUDED

## MESSAGES INCLUDED IN THE DIGEST (concluded)

STATES AND TERRITORIES	Governor	Date	Pages	Subject of special message
Ohio.....	George K. Nash.....	25 Ag 02 <sup>a</sup>	6	
Oklahoma.....	T. B. Ferguson.....	13 Ja 03	24	
Oregon.....	T. T. Geer.....	10 Ja 03	28	
	George E. Chamberlain..	14 Ja 03	45	
Pennsylvania }	W. A. Stone.....	16 Ja 03	9	
	Samuel W. Pennypacker..	20 Ja 03	8	
		6 Ja 03	16	
Rhode Island..	Lucius F. C. Garvin ..	20 F 03	3	Banking institutions
		10 Mr 03	3	Bribery in elections
South Carolina..	D. C. Heyward.....	21 Ja 03	14	
South Dakota..	Charles N. Herreid.....	6 Ja 03	52	
Tennessee... }	Benton McMillin.....	12 Ja 03	21	
	James B. Frazier.....	23 Ja 03	25	
Texas..... }	Joseph D. Sayers.....	16 Ja 03	25	
	S. W. T. Lanham.....	21 Ja 03	6	
Utah.....	Heber M. Wells.....	13 Ja 03	50	
Vermont..... }	William W. Stickney....	2 O 02	26	
	John G. McCullough....	3 O 02	9	
Washington ...	Henry McBride.....	13 Ja 03	28	
		14 Ja 03	107	
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		23 F 03		State property at Capon Springs
Wisconsin.....	Robert M. La Follette...	15 Ja 03	98	
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I	LAW (GENERAL)
2	<b>Statutes</b>
3	Preparation of statutes
4	Time of taking effect
11	Revision and compilation
15	CONSTITUTIONAL LAW
17	Boundary. Jurisdiction
18	Cessions to United States
19	Statistics
20	Bureaus of statistics
	<i>See also Labor bureaus, 2041</i>
22	State coat of arms, name, seal, flag, flower, song
25	Flower
30	<b>Constitutions</b>
32	<b>Revision</b>
33	<b>Amendment</b>
38	<b>State departments</b>
	<i>See also Officers, 753; also under each head Finance, Public health, C cation etc.</i>
40	<b>Governor</b>
43	Salary
44	Secretary. Clerks. Employees
45	Veto
49	<b>Secretary of state</b>
50	<b>Attorney general</b>
51	<b>Other officers and boards</b>
53	Corporation commission
55	State examiner
60	<b>State institutions</b>
	<i>See also Corrections, 335; Charities, 2140; Education, 2220</i>
61	Establishment. Reorganization. Change of name
62	Supervision and administration
	<i>See also Finance, 863</i>
63	State boards of control
64	Examination and inspection
65	Officers
66	<b>Public documents. Printing</b>
67	General
68	State boards of supervision
72	Manuals. Blue books
73	Newspapers
74	Public printing establishment

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77	<b>Legislature</b>
79	Election. Number. Apportionment. Vacancies
80	Apportionment: general laws
82	Term
83	United States representatives
84	United States senators
85	Overlegislation
88	Special laws
90	Members of Legislature
95	Internal organization
96	Bribery. Illegal practices
99	Lobbying
100	Officers and employees
105	Legislative procedure
106	Bills
108	Enrolling. Engrossing. Printing
109	Financial procedure
113	Sessions
115	<b>Direct legislation</b>
125	<b>Elections. Political parties</b>
	<i>See also for term of office, vacancies etc. the various officers under state and local government.</i>
126	General
128	<b>Suffrage; qualifications</b>
130	Property. Poll ax
131	Property
132	Poll tax
133	Educational qualifications
146	Women
149	<b>Corrupt practices. Election offenses</b>
151	Corruption and miscellaneous offenses
153	Bribery
160	<b>Nominations. Parties</b>
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170	<b>Districts. Notices. Days</b>
171	Days. Hours
172	Districts
174	<b>Ballots. Voting</b>
175	General. Ballot reform
181	Form
185	Voting machines
187	<b>Registration</b>



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195 Count. Canvass. Returns

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200 General

202 **Criminal procedure***For laws applying to both civil and criminal procedure see Civil procedure, 69;*203 **Apprehension, prosecution, indictment**

204 Apprehension

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209 Bail

212 Prosecutions

218 **Evidence**

219 General and miscellaneous

224 **Judgment. Sentence. Execution**

226 Costs. Expenses. Fines

228 Sentence. Execution

233 **Criminal jurisdiction**234 **Crimes and offenses**

236 Crimes against the government

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252 Flags: desecration of

256 Crimes against public order and security

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262 Weapons

308 Crimes against property

312 Burglary

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340 **Penal institutions**

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343 Reform schools and reformatories

345 Institutions for women and girls

346 Reform schools

347 State reformatories

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- 370 Indeterminate sentence
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## CLASSIFICATION

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1079	Pollution of water
1084	Smoke
1090	<b>Public safety</b> Protection of human life from accidents, casualties etc. <i>See also Factory regulations, 2044; Public safety and comfort (railroads), 1313; Public safety and comfort (street railways), 1368</i>
1092	<b>Fires</b> <i>See also Forest fires, 1893</i>
1093	Fire marshals. Inspector
1099	Buildings. Sanitation and safety
1102	Exits
1103	Fire escapes
1110	Tenement houses
1112	<b>Floods. Life saving</b> <i>See also Levees and dikes, 1197</i>
1113	Floods
1124	Miscellaneous
1128	Boilers and engineers
1129	Inspection
1143	Communicable diseases of animals

## N. Y. STATE LIBRARY GOVERNORS MESSAGES 1903

Marginal  
no.

- 1144 General. Inspection and supervision
- 1146 Quarantine
- 1151 Special diseases
- 1159 Foot and mouth disease
  
- 1180 Control of waters
- 1181 **Waterways**  
*See Navigation, 1800; Canals, 1383*
- 1182 **Irrigation. Water rights, power, storage**
- 1183 General. State control
- 1185 Districts. Local construction
- 1189 Artesian wells
- 1190 Water rights, power and storage generally
- 1191 **Drains. Dikes. Levees**
- 1195 State ditches
- 1197 Levees. Dikes
- 1199 **Hot springs. Mineral waters**
  
- 1200 **Transportation and communication**  
*See also Navigation, 1800*
- 1201 **General**
- 1203 Rates. Discrimination
- 1204 General
- 1226 Passenger rates. Passes  
*See also Fares (street railways), 1365*
- 1237 Passes. Franks
- 1266 **Railways. Car companies. Express**  
*See also Corporations, 500; Corporation taxes, 840; Taxation of transportation companies, 845; Labor, 2040*
- 1268 Corporate organization and power  
Chiefly steam roads but many of the general laws and special provisions include kinds of railways
- 1269 General. Incorporation
- 1272 Consolidation, sale, lease
- 1280 Public ownership and aid
- 1282 Public aid. Exemptions. Subscription to stock
- 1285 General supervision and regulation
- 1286 General. State boards
- 1295 Location. Right of way
- 1301 Traffic regulations
- 1303 Railroad stations
- 1313 Public safety, comfort and order
- 1314 Safety regulations
- 1317 Crossings
- 1336 Street railways. Rapid transit
- 1337 **General. Incorporation**  
*See also Corporations, 500; Corporation taxes, 840; Taxation of transportation and transmission companies, 845; Labor, 2040*

## CLASSIFICATION

Marginal  
no.

- 1352 General supervision
- 1353 Construction
- 1365 Fares. Passes
- 1368 Public safety and comfort
- 1373 Speed
- 1383 **Canals**
- 1386 Public ownership and aid
- 1393 **Bridges. Tunnels**
- 1401 Public bridges
- 1422 **Commerce and industry—general**
- 1424 **Weights and measures**
- 1425 General
- 1464 **Adulterations and imitations. Branding. Inspection**  
*See also Adulterations liable to affect public health, 955*
- 1466 Adulteration. Inspection
- 1474 Fertilizers
- 1493 Petroleum products
- 1508 **Warehouses. Markets**
- 1515 Grain warehouses and inspection
- 1517 Inspection
- 1630 **Encouragement of industries**
- 1632 Bonus. Exemptions. Bounty
- 1635 Beet sugar and sugar beets
- 1661 **Expositions**  
*See also Agricultural fairs, 1834*
- 1665 Charleston Exposition
- 1667 Lewis and Clark Exposition
- 1669 Louisiana Purchase Centennial
- 1673 Pan-American Exposition
- 1675 Resources and attractions. Immigration
- 1677 **Banking**  
*See also Corporations, 500; Taxation of banking institutions, 843*
- 1678 **General**  
Including all provisions relating to banks of deposit or relating to two or more of the following classes
- 1679 General and miscellaneous
- 1680 Inspection. Reports. Departments
- 1691 Loans
- 1697 **Trust and safe deposit companies**
- 1701 Deposits
- 1707 **Savings banks**
- 1708 General and miscellaneous
- 1712 Deposits
- 1717 **Building and loan associations**
- 1718 General and miscellaneous



## N. Y. STATE LIBRARY GOVERNORS MESSAGES 1903

Marginal  
no.

1730

**Insurance***See also* Corporations, 5001731 **General—all classes**

1732 General

1733 State departments

1746 Foreign companies

1753 **Life and accident**

1756 Child insurance

1759 Mutual insurance

1761 Fraternal beneficiary societies

1763 **Fire and other casualty***See also* Fires, 1032; Forest fires, 1893; Insurance of public property, 791

1764 General and miscellaneous

1768 Lloyd's associations

1800

**Navigation. Waterways***See also* Canals, 1383

1801 General

1803 Harbors

1805 Improvement of waterways (general)

1816 Pilotage. Towage. License of pilots

1819 Seamen

1822

**Agriculture***See also* Agricultural schools, 2344; Adulterations, 955, 1466; Communicable diseases of animals, 11431824 **Supervision and encouragement (general)***See also* Bonus, exemption, bounty, 1632

1825 General

1826 State department

1828 Experiment stations

*See also* Agricultural schools, 2344

1829 Farmers institutes. Reading courses. Lectures

1831 Needy farmers. Loans etc.

1834 **Associations. Fairs**

1840 State associations and fairs

1842 **Horticulture. Diseases and pests**

1844 Supervision and regulation

1846 Boll weevil

1848 Grasshoppers. Locusts. Crickets

1856 **Noxious animals. Bounties**1875 **Domestic animals***See also* Communicable diseases of animals, 1143

1876 Running. Impounding. Fences

1877 Running at large

1890 **Forestry**

1891 Supervision

1893 Forest fires

1894 Forest preserves

*See also* State parks, 798

1895 School of forestry

# CLASSIFICATION

Marginal  
no.

## Game and fish

1900

### General

1901

General

1903

State boards. Officers

1906

Hunter's license

1909

### Game

*See also* Noxious animals, 1856

1911

Close season

1943

Birds

1953

Other than game birds. Song and insectivorous. Plume

1959

### Fish

1961

Fish culture

1999

Shell fish. Lobsters. Terrapin. Sponges

2000

General

2020

## Mines and mining

*For labor in mines see* Labor, 2040

2021

General

2035

Petroleum. Gas

2037

Waste of oil and gas. Plugging wells

2040

## Labor

*See also* Convict labor, 354

2041

General. State bureaus and departments

2044

General workshop regulations

2062

Mines

2063

General. State officers and departments

2066

Safety of employees

2077

Railways

2080

Safety of employees

2084

Hours

2085

General

2094

Mines

2097

Railways

2098

Street railways

2112

Employment

2113

General

2115

Free employment bureaus

2118

Children

*See also* Compulsory education, 2270

2125

Employers liability. Insurance

*See also* Insurance, 1730

2126

Railroads

2133

Union labels

2134

Labor disputes

2136

Conciliation and arbitration

2139

Strikes

LIBRARY GOVERNORS MESSAGES 1903

**Charities**

Conventions, 335; Fraternal beneficiary societies, 1761

and officers

general

and officers

and officers

Family, 474

schools

Private institutions

Education of blind

and officers

poorhouse and jails

Boards, officers and employees

Right of admission

Commitment. Discharge

Transfer

investigating commissions

asylums and colonies

institutions

**Education. Science. Culture**

Deaf and dumb, 2184; Blind, 2188

and secondary education

Systems. Codes

Formation. Division. Consolidation

Consolidation of schools, 2272

## CLASSIFICATION

nal

- Officers. Boards
  - State
  - County
- Buildings. Grounds
  - Construction. Sites. General
  - United States flag
- General school finance
  - For finances of state educational institutions, *see* 233a
  - State and local
    - Funds. Lands. Taxes
      - See also* Public lands, 773
    - Investment of funds
    - Apportionment
- Teachers
  - Employment. Pay. Pensions
  - Salaries
  - Qualifications. Examinations. Certificates
    - Age. Citizenship
    - Certificates to college and normal school graduates
  - Institutes
  - Normal schools
- Attendance
  - Compulsory attendance. Truancy
    - See also* Employment of children, 2118
  - Place of attendance. Conveyance of pupils. Consolidation of schools
    - See also* Consolidation of districts, 2227
  - School year, month, day
- Textbooks. Curriculum. General
  - Free textbooks
  - Uniformity
- Branches. Courses
  - General. Miscellaneous
  - Pioneer day
- High schools and academies
  - State aid
- Higher education
  - State institutions (general)
    - Finance. Lands. Support
      - See also* School finance, 2237; Public lands, 773
    - Admission. Scholarship. Tuition
  - State universities. Colleges
  - Private institutions
- Professional and technical education
  - For examination and licensing *see* Medicine, 944; Dentistry, 948; Pharmacy, 949. *See also* Normal schools, 2266

## N. Y. STATE LIBRARY GOVERNORS MESSAGES 1903

Marginal  
no.

- 2344      Agricultural schools  
            *See also* Agricultural experiment stations, 1828
- 2345      United States endowment of agricultural college
- 2350      Technical and manual training
- 2352      **Libraries**
- 2354      State libraries
- 2355      Public documents
- 2356      Free public libraries
- 2357      State aid and supervision. Traveling libraries
- 2360      School libraries
- 2362      **History. Records. Memorials**
- 2363      State commissions and historian
- 2364      Anniversary celebrations
- 2365      Archives. Records. Colonial laws
- 2366      Historical societies
- 2367      Museums
- 2369      Scenic and historic places  
            *See also* War memorials, 2370
- 2370      Memorials. Monuments
- 2371      Battle flags
- 2376      Memorials on battlefields
- 2377      Memorials to individuals
- 2379      War records
- 2380      **Scientific work. Art**
- 2381      General. Miscellaneous
- 2383      Biology
- 2384      Geology. Topography
- 2386      Art
- 2388      **Military regulations**  
            *See also* History, records, memorials, 2362
- 2390      **Militia. National Guard**
- 2391      General and miscellaneous
- 2394      Encampment
- 2397      Naval militia
- 2398      Officers and boards
- 2401      Quartermaster general
- 2405      Volunteers in Spanish War. Additional pay
- 2406      **Pension and relief**
- 2408      State pensions and aid
- 2409      State pensions and aid to Confederate veterans
- 2415      **Soldiers homes**
- 2416      General. Establishment. Organization
- 2418      Widows and orphans
- 2420      **Organizations**

## CLASSIFICATION

Marginal No.	
	<b>Local government</b>
2430	
2432	<b>Municipalities</b>
2433	State control of cities. Home rule
2437	Organization. Powers generally
2438	General
2490	<b>County and township government</b>
	<i>See also</i> specific functions of counties and towns — Roads, Charities, Drainage etc.
2491	County organization generally
2494	Classification of counties
2498	New counties. Consolidation
2500	Governing body. Commissioner. Supervisors. Chosen free- holders
2504	Election. District. Vacancies. Number. Term
2511	County civil service
	<i>See also</i> Financial officers, 2588
2512	General
2513	Appointment. Election
2517	Salaries. Fees
2550	<b>Local finance</b>
2575	Budget. Accounts
2579	Examination and audit
2580	Accounts to be kept. Form
2583	State supervision. Uniform accounts
2588	Financial officers
2594	County treasurer
2597	Debts. Bonds
	<i>See also</i> special purposes for which debts are created — Buildings, Street improve- ments, Parks etc.
2598	Limitation of indebtedness
2620	<b>Public works. Public improvements</b>
2627	Municipal utilities (general)
2628	Franchises (general)
	<i>See also</i> Location of street railways, 1359
2660	<b>Sewerage</b>
	<i>See also</i> Pollution of water, 1079; Drainage, 1191
2661	Sewerage systems. Construction generally
2700	<b>Roads. Streets</b>
2701	General
2702	State road systems and state aid
2705	General improvement. Contracts
2707	Street improvement
2713	Road taxes and work
2714	Poll tax and road work
2722	Miscellaneous
2723	Automobiles
2742	Trees. Grass plots

## LAW (GENERAL)

### Statutes

#### Preparation of statutes

- a **Me. Hill.** "There should be no shadow of doubt as to the intent and meaning of every measure proposed for enactment. Every provision of the law should be absolutely plain and The utmost care should also be exercised in scrutinizing the constitutionality of all contemplated legislation. . . ." 8 Jan 0
- b **N. Y. Odell.** ". . . There should be some competent authority pass on legislative bills before their introduction, or at the time of introduction, subjecting them to a scrutiny which will determine their constitutionality, or whether they conflict with or repeal existing laws. This would not only secure statutes which would stand the test of the courts, but would avoid much unnecessary delay and reprinting of documents." 7 Jan 0

#### Time of taking effect

- a **N. M. Otero.** "§ 3781, Compiled Laws of 1897, now provides that no law shall go into effect in less than 30 full days after the adjournment of the Legislature, unless otherwise provided. But it has been the custom of the Legislature to make laws which take effect from and after its passage. This is a very common mistake, and should never be done except in extreme cases which actually require the immediate execution of the law. . . . last Legislature, for instance, changes were made in civil and criminal practice and in general laws which took effect at once while the laws were not printed and distributed until July, and were held all over the territory, and both courts and counsel did not know what the law was, and I earnestly urge that you do not make any laws with immediate effect except where it is absolutely essential, like the revenue act." 10 Jan 0

#### Revision and compilation

- a **Mich. Bliss.** "The laws of the state should be given more attention. For instance, the laws relating to the insane should better be embodied in a single act instead of being scattered over many acts."

## LAW (GENERAL)

1

through various acts as now. Passage of such a measure will be urged at the present session, and favorable action is recommended. Again the laws of corporations is a fruitful field, there being 200 separate acts. The result is that general principles do not apply, and court decisions in one are not a guide in the legal construction of acts relating to another class of corporations."

8 Ja 03, p.11-12

- b N. C. Aycock. "Provision for a new code is worthy of your careful consideration." 7 Ja 03, p.43

- c O. Nash. "... I suggest that by joint resolutions you refer the school laws to the state commissioner of common schools and the attorney general; the laws relating to the compensation of county officers to the auditor of state, secretary of state and the attorney general; the laws relating to registration and elections to the secretary of state; and the laws relating to annual boards of equalization to the auditor of state with instructions to revise and recodify said laws, remove therefrom all imperfections, and have their work ready for presentation to the next General Assembly of Ohio, on the first Monday in January 1904. The officers named are entirely familiar with these laws, and I am sure they would make a perfect revision of the same."

25 Ag 02, p.5-6

- d S. D. Herreid. "On the 7th day of May, 1901, 'by and with the advice and consent of the judges of the Supreme Court,' I appointed 'a commission of three competent and worthy persons, learned in the law, to revise and codify the laws of this state' in accordance with chapter 183, laws of 1901. . . I would recommend that the work of the commissioners be adopted without delay and the passage of acts adopting these codes during the first week of the session in order that all bills that may be introduced amending or changing the laws of the state may refer to the sections, chapters and articles of the Revised Codes of 1903."

6 Ja 03, p.36

15

## CONSTITUTIONAL LAW

This and Administrative law, 750, make up what is commonly known as the Political code.

17

## Boundary. Jurisdiction

- a Neb. Savage, 6 Ja 03, p.20; boundary commission. Nev. Sädler, 19 Ja 03, p.46; boundary between California and Nevada. Tenn. McMillin, 12 Ja 03, p.7; West Virginia boundary line. Vt. Stickney, 2 O 02, p.24-26; boundary between Vermont and New York.

## 18 Cessions to United States

- a U. Wells, 13 Ja 03, p.44.



## N. Y. STATE LIBRARY GOVERNORS MESSAGES 1903

19

**Statistics**

- a **N. C. Aycock.** " . . . Heretofore the statistics [collected by the attorney general], while showing the number of crimes committed by white and colored people separately, do not show the particular crimes which each race commits. . . Provision ought to be made, also for the collection of statistics by the clerks of the courts showing the number of crimes committed by the illiterate, as compared with those committed by the literate." 7 Ja 03, p.22

20

**Bureaus of statistics***See also Labor bureaus, 2041*

- a **U. Wells.** " . . . The commissioner's [commissioner of statistics] suggestions to the effect that county assessors be required to collect only agricultural statistics, and that all other statistics be collected by the bureau itself, is a suggestion born of the experience of two years' ineffectual attempts to get accurate information under the present law, and should find favor with you. . . "

13 Ja 03, p.38

**22 State coat of arms, name, seal, flag, flower, song**25 **Flower**

- a **W. Va.** White, 14 Ja 03, p.97.

30

**Constitutions**

32

**Revision**

- a **Ala.** Jelks, 14 Ja 03, p.1-3; changes necessitated by new Constitution. **Ct.** Chamberlain, 7 Ja 03, p.8; method of revising Constitution. **Neb.** Savage, 6 Ja 03, p.10. **R. I.** Garvin, 6 Ja 03, p.8-10; constitutional convention recommended.
- b **Del.** Hunn. "I would suggest . . . the propriety of publishing the proceedings of the last Constitutional Convention. . . "
- 6 Ja 03, p.20
- c **Ga.** Candler. " . . . The convention of 1877 went as far in the direction of economy and even parsimony as that of 1868 had in extravagance and wastefulness. Under the latter the flood gates were opened, under the former enterprise has been hampered and energy paralyzed. . . It is often ambiguous and always ill adapted to the conditions which now prevail. Hence, there is among thinking men a widespread feeling in favor of another convention of the people to revise the Constitution and amend it so as

## CONSTITUTIONAL LAW CONSTITUTIONS

to improve it and adapt it to the conditions which now surround us. . . In Georgia there are three crying evils demanding a remedy, either one of which is of sufficient importance, if the convention should do nothing else, to warrant the people in assembling in convention. First. The restriction of the elective franchise and the elimination of the venal and corrupt vote. Secondly. A constitutional provision giving the Legislature more ample power in dealing with trusts and corporate monopoly. . . Third. A better and safer method of selecting judicial officers. . . " 22 O 02, p.16

- l **Ill. Yates.** "A constitutional convention, to amend or abrogate the present Constitution, has recently been advocated, in certain quarters. I recommend that no steps in this direction be taken by this General Assembly. I do not believe that a need for such convention has as yet arisen. . . " 7 Ja 03, p.14

- e **Mich. Bliss.** "I strongly favor submitting to the people at the ensuing spring election the question of the general revision of the Constitution. Originally far from elastic, the progress of the times has compelled the making of so many amendments that the Constitution is something of a patchwork affair, and this condition must necessarily grow worse owing to the fact that the organic law of the state was drafted too much along lines of legislation instead of being purely a basis for legislation." 8 Ja 03, p.11

- f **Neb. Savage.** " . . . The state of Nebraska has so developed in its industrial, educational and commercial resources that it can no longer be subjected to that degree of restraint embodied in the Constitution as it now exists without material interference with its growth and welfare." 6 Ja 03, p.3

- g **W. Va. White.** "Our present state Constitution, as I have before publicly remarked, creaks in nearly every joint. We can not have an efficient and ideal tax system under our present Constitution with its limitations. I have already twice called attention to one feature of this matter in my comments on the recommendation of the Insurance Department, as to the present method of taxing insurance companies, and in my recommendation for a tax upon the gross incomes of public service corporations. The present Constitution should be amended in many particulars, if the problems discussed by the Tax Commission are to be effectually met and solved. We can not have an efficient secret ballot law under our present Constitution." 14 Ja 03, p.20

33

## Amendment

- a **Tenn. McMillin**, 12 Ja 03, p.14.
- b **Cal. Gage**. "Constitutional amendments are easily passed at each session of the Legislature, for, unlike laws, the governor has neither the power of approval nor of disapproval. When passed by resolution of the Senate and Assembly and submitted to the people, comparatively few voters really understand the character and purpose of these amendments, when appearing by title and number on the ballot; hence, as a rule, the electors vote on them in a very perfunctory manner. Whether carried or lost, these constitutional amendments generally receive a smaller portion of the popular vote than the several state candidates of the two leading parties. In this apathy of the electors danger is concealed." 5 Ja 03, p.60-61

34

## State departments

See also Officers, 753; also under each head Finance, Public health, Charities, Education etc.

- a **Mon. Toole**, 5 Ja 03, p.16.
- a1 **Id. Morrison**. "A disposition to create new departments and new offices rather than make more comprehensive and efficient those which exist, when indulged, as shown by past experiences, has met with public condemnation and the offices created proved little less than political sinecures. . . " 5 Ja 03, p.4
- b **Ind. Durbin**. " . . . Other states have separate bureaus with retinues of officers and clerks for insurance, building and loan, banking, lands, railroads and varied departments of governmental oversight, that furnish meager duties and substantial salary lists, but Indiana saves this unnecessary expense by merging under central authority these subordinate divisions, thus not only saving thousands of dollars in superfluous expenses, but giving the public much better and more methodical service." 8 Ja 03, p.2
- c **Ind. Durbin**. "I consider it is timely to direct attention to the fact that in Indiana we have been creating bureaus at a prodigious rate; some desirable, others of small practical consequence, and still others that are next to needless. . . Additional deputies, additional excuses for spending money in order to provide preferred persons with employment, are matters with which each succeeding Legislature is called on to consider in connection with general and specific appropriations. . . " 8 Ja 03, p.13

## CONSTITUTIONAL LAW STATE DEPARTMENTS

- d** **Mass.** Bates. "I recommend . . . consolidating the department of the comptroller of county accounts with the auditor's department." 8 Ja 03, p.35
- e** **Mon.** Toole. "... The people should elect all important officers of the state government. Under the law, as it now stands, the governor of the state appoints the state examiner, state inspector of mines, state coal mine inspector, state boiler inspector, commissioner of agriculture and labor, state veterinarian, register of the state land office, state land agent and game warden. . . . It is the system that is reprehensible—a system which is inconsistent and inharmonious with the genius and spirit of our institutions in its attempt, without reason or necessity, to mingle and fuse together disagreeing elements of a democracy and a monarchy. In short, in my opinion, executive appointments or patronage, if you please, and popular sovereignty are antagonistic elements in our form of government, and ought to be abandoned. . . ." 5 Ja 03, p.42-43
- f** **Neb.** Savage. "The government of the state as now constituted, symbolizes extravagance in a marked degree. Those who framed the existing Constitution established departments that for the next 25 years, under the most favorable circumstances in the growth and development of the state, will be an unnecessary burden on the taxpayers. . . A careful study of this phase of the question justifies me in my own mind in recommending the abolition of the departments of auditor of public accounts and commissioner of public lands and buildings, and the assignment of the duties incumbent thereon to those departments officered by the secretary of state, the treasurer and governor. . . In the conflict for political spoliation the office-seeking class seems to have outgeneraled and defeated those who stand for economy, with the result that a large number of names have been added to the pay roll, and bureaus and departments have been established absolutely without any apparent justification. . . A critical investigation will show that in many instances one department is duplicating the work of the other with no other object than to find employment for those whom the Legislature has from time to time established in public office." 6 Ja 03, p.5-6
- g** **Or.** Geer. "The system of government provided by our Constitution embraces a form which, for economy, is not equaled by any other state in the Union. Oregon has fewer officers than any other state, and therefore, they perform more duties than are required of similar officers elsewhere. The four principal state officers, consisting of the governor, the secretary of

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state, the state treasurer, and the superintendent of public instruction, control and direct all our public institutions, as well as the vast business connected with our state lands, the irreducible school fund, our enormous fishing industry and other interests not now necessary to mention. . . "

10 Ja 03, p.24-25

- h **W. Va. White.** "Including the capitol buildings and mansion as one of the number, we now have 22 public institutions to provide for. Besides that, we have 28 boards of administration of various sorts, and five boards of commissioners."

14 Ja 03, p- 11

40

Governor

- a **Cal. Gage.** "The Constitution has fixed a most inopportune time for the inauguration of the governor and the assembling of the legislators. The newly elected executive is, under the existing laws, compelled to face a busy session of the Legislature at the very beginning of his official career, before he can inform himself in detail of the state's necessities, or outline a complete policy of state administration."
- 5 Ja 03, p.5
- b **Cal. Pardec.** "At present, the governor of California is inducted into office under circumstances which greatly militate against his efficiency. Elected in November, he goes into office early in January, only two months afterward. Unable, in this short space of time, to gain the mastery of the intricacies of so great and complicated a business as is presented to him by the manifold affairs of the state; unable even to visit, much less to study, the many state institutions; precluded from informing himself in any satisfactory manner as to the needs of or abuses in any of the many departments of the state government, the governor, as his first official duty, finds himself face to face with a Legislature, most of the members of which are as inexperienced as he in the business they have in hand. Would it not be better to have the state election held two months earlier, say about September first? If this were done, the newly elected officials would have four, instead of two, months in which to study the situation and inform themselves on their new duties. To do this, would, of course, require a constitutional amendment."
- 7 Ja 03, p.1
- c **Nev. Sparks.** "By mutual agreement between my honored predecessor and myself, I have been favored with the promise that he will report to your honorable bodies such information as is considered properly within the constitutional powers of the government of this state. By reason of his superior knowledge and experience regarding conditions affecting the public welfare of our people

## CONSTITUTIONAL LAW STATE DEPARTMENTS

4

ple, and future requirements in legislation, it affords me pleasure to submit to your honorable body for careful consideration his recommendations. . . . " 23 Ja 03, p.4

- 1 Or. Chamberlain. "While the mandate of the Constitution requires the incoming as well as the outgoing executive to embody in a message to you such suggestions as may seem proper with reference to legislation, in the very nature of things the suggestions of the retiring executive deserve and will receive at your hands more attention than any I can make. . . ." 14 Ja 03, p.3

- 2 Pa. Pennypacker. "It is my wish always within reasonable limits to confer with all persons who may have facts to impart or conclusions to present, and it is my purpose to consult specially with those who in common parlance are called politicians. There is no more dangerous public vice than the prevalent affectation of disrespect for those who are engaged in the performance of the work of the cities, the commonwealths and the nation, because it is in effect an attack on popular government, and its tendency is to undermine our institutions. There was a time when proper deference was shown even to those officials lowest in authority, and the cultivation of a like spirit is a much needed public virtue." 20 Ja 03, p.2

## 3 Salary

- a W. Va. White. "... If the executive does his duty, he will find that he is an overworked man, and that he should be relieved absolutely of any necessity of attending to private business to make 'both ends meet,' in order to maintain his position respectably. A liberal salary should be paid, and the governor should draw the largest salary of any official of the state, for obvious reasons. . . ." 14 Ja 03, p.22-23

## 44 Secretary. Clerks. Employees

- a Ari. Brodie, 19 Ja 03, p.12-13.

## 45 Veto

- a R. I. Garvin, 6 Ja 03, p.8; veto power for governor advocated.
- b Cal. Gage. "Added to this impeding disadvantage [see above, 40] is the constitutional provision which restricts the time to 10 days after the adjournment of the Legislature for approval or disapproval of the numerous important and unimportant bills which are left to the governor for action by the outgoing legislators, and which increase his many great responsibilities. During the last week of the session hundreds of bills, many of them very lengthy, and nearly all involving intricate questions of law as well as of policy, are thrust on the wearied executive, and it is expected that he can determine these many vexed problems

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within this narrow constitutional limit of 10 days. . . In the absence of a constitutional amendment remedying this matter, and till the adoption of such a measure, I recommend that the Legislature make use of their discretionary power, and, by concurrent resolution, frame and pass all bills designed for laws and present them to the governor eight or nine days before the final adjournment. This time would, in addition to the constitutional time, give the governor 18 or 19 days within which to pass on the numerous measures enacted.

These remaining eight or nine days of partial legislative inaction could be profitably used, among other ways, by the Senate and Assembly in most carefully considering and deliberating on resolutions and constitutional amendments, pursuing investigations, and acting on the reports of committees, and the members might also, in their individual capacity, materially assist the executive by furnishing him with needed information concerning the nature of the bills submitted for his signature. . . "

5 Ja 03, p. 5-6

49

### Secretary of state

- a La. Heard, 12 My 02, p. 7-8. N. C. Aycock, 7 Ja 03, p. 18-20. S. D. Herreid, 6 Ja 03, p. 13. Tex. Sayers, 16 Ja 03, p. 8-9. W. Va. White, 14 Ja 03, p. 23. Wy. Richards, 13 Ja 03, p. 3-4.

50

### Attorney general

- a Ari. Brodie, 10 Ja 03, p. 15. Col. Orman, 10 Ja 03, p. 11-13; important litigation. N. C. Aycock, 7 Ja 03, p. 21-22. Okl. Ferguson, 13 Ja 03, p. 14. Pa. Stone, 6 Ja 03, p. 2. S. D. Herreid, 6 Ja 03, p. 13-14. Tex. Sayers, 10 Ja 03, p. 6. U. Wells, 13 Ja 03, p. 40. W. Va. White, 14 Ja 03, p. 24, 74. Wy. Richards, 13 Ja 03, p. 14.

51

### Other officers and boards

- a Tex. Sayers, 10 Ja 03, p. 10; state commissioner of agriculture, insurance statistics and history.

#### 53 Corporation commission

- a N. C. Aycock, 7 Ja 03, p. 24; North Carolina Corporation Commission

#### 55 State examiner

- a Minn. Van Sant, 7 Ja 03, p. 18; public examiner. Wy. Richards, 13 Ja 03, p. 14.  
b Mon. Foote "The office of state examiner has been one of great usefulness indeed, almost indispensable to the execu-

tive in keeping in touch with public officials and state banks, a knowledge of whose accounts and methods of transacting business it is necessary to possess. During the year the state examiner has made personal examinations of the office of seven state officials, 26 county officers, 24 banks and trust companies and two building and loan associations, as well as a detailed examination of a report on the Arid Land Grant Commission. . . " 5 Ja 03, p.24-25

**N. M. Otero.** "In my message to the 33d Legislative Assembly, I made a recommendation for the creation of the office of traveling auditor and also in my message to the 34th Legislative Assembly, I renewed my recommendation in the following words: 'I would also renew my recommendation for the creation of an office to be known as traveling auditor or territorial examiner; the duty of such officer to be the examination of the assessment rolls, tax lists, collectors' and treasurers' accounts, and territorial banks, at stated or regular intervals, and establish and maintain uniform system in each county for the keeping of records and accounts. This office has been most successful in Wyoming, where it has been in operation since 1892, and the system has been adopted in many other states with great saving in money and labor to the county and state officials.'" 19 Ja 03, p.45

60

## State institutions

*See also* Corrections, 335; Charities, 2140; Education, 2220

- a **Ari. Brodie**, 19 Ja 03, p.17-21. **Cal. Gage**, 5 Ja 03, p.58-59; condition generally. **Col. Peabody**, 13 Ja 03, p.99-100. **Ga. Candler**, 22 O 02, p.6-15. **Tex. Lanham**, 21 Ja 03, p.121, House journal.
- b **Ari. Brodie**. "I earnestly urge that, as soon as convenient, a legislative committee be appointed to visit and examine the different territorial institutions, to the end that the condition and wants of each will be more thoroughly understood before action is taken by the Legislature on the different recommendations made in each case; and further, I urge that these examinations and inspections be directed to be of the most thorough and exhaustive manner." 19 Ja 03, p.21

61

## Establishment. Reorganization. Change of name

- a **Mo. Dockery**. "Missouri has 21 well equipped institutions, fully the equals of their kind in any state of the Union. The State University, School of Mines and Metallurgy, three normal schools, Lincoln Institute, four hospitals for the insane, School for the Deaf and Dumb, School for the Blind, Colony for



the Feeble-minded and Epileptic, Confederate Home, Federal Home, Reform School for Boys, Industrial Home for Girls, State Fair, Fruit Experiment Station, and our State Penitentiary are all under capable, economic and humane management. . . "

8 Ja 03, p.8

- b N. M. Otero.** " . . . The act of Congress appropriated 50,000 acres each to the Institute for the Blind, the Miners Hospital and the Reform School. These institutions have not yet been established or located, and it will become your duty to establish and locate the same. . . "

19 Ja 03, p.15

- c W. Va. White.** " . . . In six years, including the Legislatures of 1895 to 1901, there were created eight new public institutions, viz: The Colored Institute at Bluefield, and the Montgomery Preparatory Branch of the State University, by the Legislature of 1895; the Asylum for Incurables, and the Industrial Home for Girls, by the Legislature of 1897; the three miners hospitals, by the Legislature of 1899; and the Keyser Preparatory School, by the Legislature of 1901."

14 Ja 03, p.10-11

## 62

### Supervision and administration

*See also Finance, 863*

- a Ind. Durbin,** 8 Ja 03, p.14-16. **Mon. Toole,** 5 Ja 03, p.21-22, 27-28. **N. H. Bachelder,** 7 Ja 03, p.14-15.
- b Ind. Durbin.** "The governor's institutional emergency fund carries an appropriation of \$30,000 annually to be at the disposition of the chief executive for emergency uses as are inevitable in connection with the state institutions. It is a prudent precaution because of the liability of fires, cyclones and omissions from the regular appropriation act, and I heartily indorse the continuation of this item. . . "
- 8 Ja 03, p.15
- c Neb. Savage.** " . . . I recommend that the laws be so amended as to require relatives of the insane, feeble-minded and inmates of the Reform School to bear the expense of the maintenance of these individuals. . . "
- 6 Ja 03, p.
- d Neb. Savage.** "I . . . recommend that the Home for the Friendless be eliminated from politics and placed under the supervision of a nonpartizan board composed of women residing in the city of Lincoln. All other visiting and examining boards, a source of considerable expense and often of much dissension, should be abolished."
- 6 Ja 03, p.
- e Tex. Sayers.** The state purchasing agent. "The law creating this office did not become effective till July 19, 1899, the first

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contracts let thereunder beginning the December following. It has, therefore, been in operation for three years. Being a radical departure from the existing manner of purchasing supplies for the eleemosynary institutions, it has required experience in order to secure harmonious working. The results accomplished are gratifying. . . . The advantages of the present over any former system may be briefly stated to be: (1) the purchase of supplies at wholesale prices and in larger quantities, thereby insuring lower prices; (2) the reduction of purchases in the open market and in private manner, thus preventing favoritism, and, in many instances, direct fraud; (3) the purchases being made by the agent, whose office is at the capitol, wide publicity and easy access is given to all transactions; (4) the smallest institutions pay no more for similar articles than do the largest—all being on an exact equality as to cost; (5) cash payment on delivery lessens the cost; (6) the bidders are not confined to the localities at which the institutions are established; (7) the entire time of the agent being devoted to the business, he can better acquaint himself with the range of prices and the best sources from which to draw supplies; (8) the superintendent, with the storekeeper representing the institution, and the purchasing agent, are a check, each on the other, the contractor being responsible to both; (9) the method is justified by the practice and experience of all the railway systems and other great public utilities in the country, and by every department of the federal government. . . . "

16 Ja 03, p.11

- f **W. Va.** White. " . . . I would like to see an act passed requiring the officers of . . . institutions, who have the authority to make purchases, to do so on the competitive plan, buying their supplies in as large quantities at one time as their needs demand, and after competitive bids have been received, and after giving all dealers who desire it a fair chance to bid. . . . Neither political nor personal obligations should control in the purchase of supplies. . . . "

14 Ja 03, p.95

- g **Wis.** La Follette. "The State Board of Control, having supervision and care of the various charitable, penal, and reformatory institutions, in their biennial report describe the condition of these institutions on the whole to be quite satisfactory, and many of them eminently so. With respect to this general conclusion, I believe that the report of the legislative visiting committee will agree. The following table giving comparative statement of the average population and the per capita cost per week in each of the several institutions for a period of 10 years last past,

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was compiled by the secretary of the Board of Control at my request:

	State Hospital for Insane		Northern Hospital for Insane		School for Deaf		School for Blind		Indust. School for Boys	
	Average population	Per capita cost per week	Average population	Per capita cost per week	Average population	Per capita cost per week	Average population	Per capita cost per week	Average population	Per capita cost per week
1893....	528	\$3 71	630	\$3 70	174	\$4 43	91	\$6 51	323	\$3 55
1894....	519	4 02	624	3 73	183	4 03	109	4 97	345	3 56
1895....	450	5 03	592	4 56	199	4 05	101	5 62	369	3 02
1896 ..	397	5 01	556	4 07	180	4 25	101	7 09	343	3 55
1897....	405	5 38	539	4 75	139	6 48	80	7 94	346	3 54
1898....	410	5 18	546	5 09	145	6 09	82	7 27	307	5 73
1899....	397	5 04	556	4 18	195	3 72	109	5 62	301	4 10
1900 ..	405	4 79	566	3 88	175	4 15	108	5 77	324	3 62
1901....	403	5 26	589	4 24	197	4 04	107	6 14	320	4 19
1902....	413	5 40	599	4 51	202	4 69	111	6 03	339	4 39

	State Prison		State Public School		Home for Feeble-minded		State Reformatory	
	Average population	Per capita cost per week	Average population	Per capita cost per week	Average population	Per capita cost per week	Average population	Per capita cost per week
1893....	537	\$6 02	509	\$6 51	...	...	...	...
1894....	580	5 40	522	5 41	...	...	...	...
1895....	625	5 18	529	5 00	...	...	...	...
1896....	580	5 08	524	5 14	...	...	...	...
1897....	591	5 26	552	5 21	...	...	...	...
1898....	645	5 01	500	4 02	...	...	...	...
1899....	501	5 01	493	4 26	...	...	...	...
1900 ..	512	5 13	450	4 64	...	...	...	...
1901....	511	5 14	444	5 43	...	...	...	...
1902....	502	5 28	447	5 26	...	...	...	...

Also compare with the cost of the same institutions in other States.

Notwithstanding the most economical purchase of supplies on competitive bids, even so, there has been necessarily a material increase in the cost of provision for the inmates of all state institutions due to the advance in prices of nearly all commodities. . . "

15 Ja 03, p.75-76

## CONSTITUTIONAL LAW STATE DEPARTMENTS

6.

## State boards of control

Col. Orman, 10 Ja 03, p.58; State Board of Charities and Corrections. Neb. Mickey, 9 Mr 03; fees of Board of Public Lands and Buildings. Wy. Richards, 13 Ja 03, p.7; State Board of Charities and Reform.

Ari. Brodie. "The Board of Control as constituted has proved in the past a satisfactory solution of the problem of management of the territorial institutions placed in its charge, and is perhaps the most economical and best method yet found for the management of public institutions. . . " 19 Ja 03, p.15

Col. Peabody. "The Board of Charities and Correction, serving as it does without compensation, except as to its secretary, is so hedged about by restrictions and limitations in the act creating it as to make its labors unproductive of practical results. Its duties are purely visitatorial and supervisory, without authority to enforce or carry into effect any of its recommendations. The act creating it seems to be an attempt to create a board which shall have some sort of control over the various penal, correctional and charitable institutions of the state, but, if such was the intention of the act, it falls far short of accomplishing any such result. It has been recommended to previous Legislatures that a board of control be established which should have full control and custody of all such institutions, both as to their management and financial affairs. The creation of such a board would not fail to accomplish better results and a more economical administration of the affairs of these various institutions, as it is clearly shown by the reports of similar boards in other states. My recommendation is that the Board of Charities and Correction be reorganized along the lines above suggested, or that the act creating it be repealed, thereby saving the expense of maintaining it under the present law." 13 Ja 03, p.93-94

Minn. Van Sant. "At the last general session a bill was passed, now known as the board of control bill, and pursuant to its provisions a board was appointed and immediately entered on the discharge of its duties. The wisdom of the adoption of the board of control system has been amply vindicated. A brief year of the administration of the board has passed, and its work has surpassed the most sanguine expectations of its friends. Prompted by the same abiding faith that recommended its creation, which has been strengthened a hundredfold by its splendid work during the past year, it is safe to predict that the board of control system will be permanently maintained. The success of this system in Wisconsin and Iowa, coupled with its effective work in our state, will, in my

judgment, eventually result in its adoption by every state in the Union. . . I firmly believe that the institutions in charge of the Board of Control have never been in a higher state of efficiency, and that the inmates thereof are safe in the hands of the board, and I do not hesitate to say that the great saving to the state has been brought about solely by the new departure in the purchase of supplies and by enlarged and improved business methods, and not in the least at the expense of efficiency. . . A perusal of the report will show that the total gross savings amount to \$171,000; from this deduct the expense of the Board of Control for the fiscal year, and we have a balance, as the net saving for the year, of more than \$147,000. . . I am strongly of opinion that the management of the university and the normal schools should be wholly removed from the Board of Control. It was not the intention of those who originally favored the measure to include them. . . The affairs of the university and normal schools will be safe in the hands of the regents and the normal school board. . . " 7 Ja 03, p.8-11

- e **Neb. Savage.** "I recommend that the management of the state institutions be placed under the supervision of a nonpartizan board of control and pardons. This board should be heavily bonded and should be required to purchase supplies, inspect institutions and accounts thereof and exercise supervisory control over the several institutions. . . The State Board of Charities has failed by its achievements to justify its further existence at public expense, and I respectfully recommend that this work be left to the churches and charitably inclined and that the law creating said board be repealed." 6 Ja 03, p.

- f **S. D. Herreid.** "It is with feelings of peculiar satisfaction that I have transmitted to you the splendid report of the Board of Charities and Corrections. Never before since the establishment of these institutions have they been in charge of officials possessing such preeminent qualifications and the complete confidence of the people. Never before have these institutions been so effectual under the control of a board of control in fact as well as in name. Never before have these institutions been managed so strictly in accordance with business principles so well recognized among successful business men. Today these institutions are distinctly state institutions, managed by the state and in the interests of the state. By purchasing the supplies in large quantities from the lowest responsible bidders large sums of money have been saved. . . "

6 Ja 03, p.1

#### 64 Examination and inspection

- a **N. C. Aycock.** 1. 03, p.8. Board of Examiners of State Institutions

## CONSTITUTIONAL LAW STATE DEPARTMENTS

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- b **Ind. Durbin.** "The work of the legislative committee, while being a new departure, is one of the most valuable reforms authorized by statute. Its labors are very arduous and comprehend in scope every feature of institutional necessity and management. . ."

8 Ja 03, p.15

- c **S. D. Herreid.** "Committee of investigation for the charitable and penal institutions. . . This committee has during the past year made a thorough investigation of the charitable and penal institutions of the state. In my judgment this is an important committee, doing excellent work."

6 Ja 03, p.49

65 **Officers**

- a **Ind. Durbin.** Number and pay of members of boards in control of state institutions.

8 Ja 03, p.14

- b **Ind. Durbin.** "Under the law all of the boards of the penal, correctional and benevolent institutions are nonpartizan, excepting that of the Indiana State Prison. Recently, in filling a vacancy on this board, created by resignation, I made this board also nonpartizan."

8 Ja 03, p.13

66 **Public documents. Printing**67 **General**

- a **Or. Chamberlain,** 14 Ja 03, p.16-17

- b **Cal. Gage.** "I approved on Mar. 6, 1899, the act relating to state printing. . . § 3 of said act provides for the printing of reports of all state officers, boards, and commissions out of their separate printing funds, which funds were provided for in the general appropriation bill. . . This new law has, with few exceptions, worked well; for it has caused each state officer to be circumspect and economical concerning printing expenses, and therefore has redounded to the material advantage of the people."

5 Ja 03, p.4

- c **Kan. Bailey.** "I call your attention to the lavish waste of the public money in the printing of useless and unnecessary public documents. The law, in many instances, provides for the publishing of reports and documents far beyond any demand or necessity, and, as a result, the storerooms of the capitol building are rapidly filling up with this matter that is worse than useless. I am sure a careful inspection of this accumulated material will convince any legislator of the necessity of reform along this line."

13 Ja 03, p.16

- d **Or. Chamberlain.** "I recommend for your earnest consideration the propriety of limiting the space to be used in the publication of all biennial reports. Results might be given instead of detail in many of the financial and other reports, and with entire safety and propriety if the suggestion I make hereafter of expediting the books of all state officials be acted on favorably."

14 Ja 03, p.17

e S. D. Herreid. "The laws relating to the preparation, printing and distribution of the reports of the state officers and boards are inharmonious, indefinite, irrational and inoperative, and should receive the attention of a competent committee. . . . As the fiscal year ends June 30, the report in manuscript should be completed and a copy delivered to the public printer not later than Sep. 1; that on or before the first day of December a printed copy of each report should be officially signed and placed on file in the office of the officer or board making such report and also in the office of the governor and secretary of state; that all the printed copies of each report, except a dozen copies for the use of the officer or board making the report, should be duly delivered to the secretary of state (who is the commissioner of printing) not later than the first day of December, and whose duty it should be to immediately distribute such reports in manner to be provided by law, including sending one copy of each report to every member elect of the Legislature at least 30 days before the first day of the session of the Legislature." 6 Ja 03, p.34

f U. S. Roosevelt. "There is a growing tendency to provide for the publication of masses of documents for which there is no public demand and for the printing of which there is no real necessity. Large numbers of volumes are turned out by the government printing presses for which there is no justification. Nothing should be printed by any of the departments unless it contains something of permanent value, and the Congress could with advantage cut down very materially on all the printing which it has now become customary to provide. The excessive cost of government printing is a strong argument against the position of those who are inclined on abstract grounds to advocate the government's doing any work which can with propriety be left in private hands." 2 D 02, p.2

#### 68 State printing boards and officers

a Col. Peabody. "Many of the scandals connected with the administration of county and state affairs seem to be connected with public printing and stationery supplies, due to the fact that the present laws on this subject provide no competent official who shall have charge of these matters. No reflection is intended to be cast on any official of preceding administrations, but from the very nature of the case (printing being a technical art), abuses have crept into this branch of the public service, and as a result great extravagance, to say the least, prevails in all departments requiring printing and stationery supplies, as may readily be seen by a simple reference to the annual appropriations and expenditures for these items. My recommendation is that the office of supervisor of printing and stationery supplies be created, providing for the appointment of a competent person to fill the same."

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ment of a practical and competent printer, who shall be under bond, with a salary commensurate with the importance of the office, confident in the belief that a saving of many times the salary and expenses of the office would result." 13 Ja 03, p.94-95

- b Neb. Savage. "A comparison of expenses incident to public printing fails to justify the existence of the State Printing Board . . . and I recommend . . . that its duties be imposed on the secretary of state." 6 Ja 03, p.6

2 **Manuals. Blue books**

- a La. Heard, 12 My 02, p.8.

3 **Newspapers**

- a W. Va. White. "In respect to the requirements for legal newspaper publications, the state of West Virginia has pursued in the past a very niggardly course toward the press. There are many matters of public interest, and statements of financial affairs, which ought to be required to be published; and these publications, as well as other financial statements now required to be published, should be at legal rates and in at least two papers of opposite politics in each county where there are two such publications. . . "

14 Ja 03, p.95

4 **Public printing establishment**

- a Cal. Gage, 5 Ja 03, p.4.

7 **Legislature**

- a Mich. Bliss. "If this Legislature will veto as well as pass bills the session can be made notable. Many sins of legislation are committed in the name of courtesy to members. A statute-burdened state asks the adoption of the policy of no special acts where general laws can apply. It protests against laws taking immediate effect where a real emergency does not exist, and requests a return to the rule that generally laws shall not be operative till 90 days after the Legislature has adjourned. A short session is suggested, and in the line of legislative economy a movement looking to the abolishment of the 50 day limit for the introduction of bills, which is a farce as far as preventing the introduction of new matter is concerned, its only appreciable effect being to keep the Legislature practically idle for 50 days while bills are poured into the legislative hopper. The House and Senate journals are burdened with hundreds of titles whose only purpose is to nullify the time limit. An additional step toward a short session will be the payment of a fixed salary to legislators, a reform it is believed the state is ready to adopt. More effective laws will be secured through committees



consulting freely with the departments in regard to the administrative features of any proposed act with the execution of which they may be charged. Doing away with the legislative recess taken for the purpose of permitting committees to visit state institutions, was favored two years ago, but extended observation forces the conclusion that this recommendation was in error. It is preferable to get through with this work in as brief a time as possible, to prolonging it through the session. . . . " 8 Ja 03, p.3

- b R. I. Garvin. "In Rhode Island, largely owing to the long continuance in power of one party, certain abuses have sprung up-- abuses which are recognized generally and condemned by public opinion. Among these abuses of governmental functions are (1) the passage of laws by one General Assembly which, according to their terms, can not be amended or repealed at will by a subsequent General Assembly; (2) boards of police commissioners, created for two of our cities and one town, under which from one fourth to one eighth of all the taxes raised for local purposes in these municipalities are expended by three state commissioners who are in no way responsible to the electorate contributing the taxes; (3) post-election sessions of the General Assembly, at which a Legislature whose successors have been chosen, passes improper and unpopular laws, such as it would not dare to enact at the January session; and, finally, (4) an irresponsible third house dominating both branches of the General Assembly, and causing legislation, which should be just and solely for the public welfare, to become a mere matter of sale to the highest bidder." 6 Ja 03, p.67

79 Election. Number. Apportionment. Vacancies

80 Apportionment: general laws

- a Ari. Brodie, 19 Ja 03, p.10; division of county into representative districts. Ct. Chamberlain, 7 Ja 03, p.7-8; reapportionment of senatorial districts. Id. Morrison, 5 Ja 03, p.24; reapportionment recommended. La. Heard, 12 My 02, p.49-50; reapportionment recommended. N. M. Otero, 19 Ja 03, p.54. Okl. Ferguson, 13 Ja 03, p.18-19; reapportionment. Pa. Pennypacker, 20 Ja 03, p.3; reapportionment.
- b Ct. Chamberlain. " . . . With the large increase of population in a few towns, and the concentration of more than one half the population of the state in 11 of these, there has been presented the problem the solution of which has received the earnest attention of many thoughtful and patriotic citizens who earnestly desire what is right and what is best for the people of this state. It is the opinion that in the House of Representatives it is best for all the people of Connecticut that the people of each town shall forever

have one representative, but it is also best for all our people that the people of every town shall have a representation sufficient in number to carefully and intelligently attend to every matter of legislation in which the people of such town are interested. . . . An amendment providing that the people of each town whose population was less than 5000 might send one representative, and that the people of those towns the population of which was from 5000 to 25,000 might send two representatives, and that the people of those towns whose population was from 25,000 to 50,000 might send three representatives, and that the people of those towns the population of which was from 50,000 to 75,000 might send four representatives, and that the same ratio of population be observed as to additional representation from larger towns, would, it seems to me, be a plan of representation which would safeguard the interests of all towns and provide sufficient representation for the people of each town."

7 Ja 03, p.5-7

- c Or. Chamberlain. "A glance at the act of 1899 redistricting the state into senatorial and representative districts is sufficient to condemn it as a measure of the grossest partizanship, entirely without merit, and wholly unjust to many of the border counties of the state. . . ."

14 Ja 03, p.44

- d R. I. Garvin. "By the census of 1900, the population of this state was given at 428,556. Of that number, 98,526 inhabited 30 towns, and the remaining 330,030, or 77%, lived in eight cities and towns. These eight urban municipalities are represented in the Senate by but eight of its 38 members; constituting but 21% of that body, which possesses a veto power on all legislation. A less degree of injustice exists in the House of Representatives, and yet there the discrimination against cities and populous towns is very great. The abuses to which I have referred are a necessary consequence of such a travesty on representative government. Inevitably, when one twelfth of the inhabitants of a state, dwelling in small towns controlled politically by petty considerations or corrupt influences, possesses more power in legislation than the remaining 11 twelfths, unjust laws will be enacted and many wise acts will fail of passage."

6 Ja 03, p.7-8

## 82 Term

- a Neb. Savage. "I recommend . . . that the terms of members of the Legislature be increased to four years, and that it be provided that as nearly half of the members as possible hold over alternately, so that at the opening of each session at least half of the members will be familiar with the duties incumbent on your honorable body . . . What intensifies the evil and the danger is that for some unaccountable reason, members of this body are seldom returned,

so that in the great majority of instances counsel and experience are lacking. . . "

6 Ja 03, p.9-10

### 83 United States representatives

a La. Heard, 12 My 02, p.48-49.

b Kan. Bailey. " . . . I recommend the redistricting of the state and the formation of eight congressional districts, as is contemplated by law. The congressman at large, while he has the same rights on the floor and in the committee room as the member who has a district, is practically denied other prerogatives of a member. Each congressional district is entitled to certain recognition, certain patronage. Kansas practically loses one eighth of what she is entitled to under the present apportionment. The fact that a district has 60,000 or 70,000 more population than it is entitled to does not entitle the people of the district to any more recognition than they would have if they had the number contemplated by law. . . "

13 Ja 03, p.17

### 84 United States senators

a Mon. Toole, 5 Ja 03, p.34-35; election by the people advocated.

b Or. Geer. "In obedience to a general demand from the people and the press of the state, the last Legislature passed a law providing for a direct vote on candidates for United States senator. After a careful revision during its passage this law was enacted by a vote that was practically unanimous and in exact accord with its provisions the popular vote was held last June. . . In many states of the Union the result of this first attempt at the popular vote for United States senators is watched with much interest, and its prompt observance and ratification will not only encourage its adoption in other states, but will prove the sincerity of our protestations in favor of popular elections of senators, and render impossible a repetition of former experiences in Oregon, to prevent which, this law was formulated, supported and adopted."

10 Ja 03, p.20

c U. Wells. " . . . I am constrained to reaffirm the views expressed in my message two years ago as to the desirability of electing United States senators, as we now elect United States representatives, by direct vote of the people. It ought not to be possible for a legislative deadlock, or the obstinacy or machinations of candidates and their supporters, to deprive any state of its constitutional representation in this branch of the national Congress. . . . Moreover, questionable and improper methods to elect one candidate or defeat other candidates, would lose their efficacy under the system proposed. . . "

13 Ja 03, p.8

### 85

#### Overlegislation

a Cal. Gage. "In my inaugural address and, subsequently, in the first biennial message, I adverted to the evils of overlegislation

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and now, after an experience of four years, the belief entertained by me that much damage results to the state from the multiplication of new laws has grown into positive conviction. . . Statutes require time for their maturity in order to manifest their equitable, or disclose their inequitable, effects. They need the soil of usage and the water of judicial interpretation for their growth and development; and, when once planted, the legislative plow should be tardily exercised. . . "

5 Ja 03, p.4-5

- b Col. Peabody.** "Hasty, ill advised, unwise and immature legislation leads to confusion, uncertainty, needless litigation and a consequent disrespect for all law. Nothing is more detrimental and retarding to the prosperity of a nation or state than the uncertainty of legislation; and if it be a fact that Colorado today is not participating to the fullest extent, as it should, in the prosperity of the nation, this condition is largely due to the fact, in my judgment, that previous General Assemblies have done too much 'tinkering' with Constitution and laws. . . Radical and far-reaching legislation, fundamental changes in our laws, with resultant doubt, uncertainty, litigation and chaos, have been the affliction under which the people of this state have existed during several administrations last past, till the time has arrived when the people of this state demand, in no uncertain terms, a period of rest, so that they may familiarize themselves with the laws and adapt their interests to the existing conditions. Legislators seem, too often, to be imbued with the idea that their only duty is to introduce bills and enact laws; whereas, the chief duty of a wise and conservative legislator is to prevent all legislation which will have a tendency to unsettle conditions or result in radical changes. . . "

13 Ja 03, p.76-77

- c Mass. Bates.** "Our predecessors for many years have been constructing an enlightened book of legislation. . . Changes in the law on slight excuse are evils to be earnestly avoided. . . "

8 Ja 03, p.5-6

- d Or. Geer.** "It has long been a generally accepted maxim that the world is governed too much, and surely it may be truthfully said that more people give expression to a complaint that there are too many laws than to the contrary."

10 Ja 03, p.3

- e Pa. Pennypacker.** "There is too much legislation. . . Stability and certainty are more important than absolute accuracy. . . The purpose of the Constitution in making the sessions of the Legislature biennial, instead of annual, was that the bulk of legislation should be lessened and longer consideration given to it, and our duty is to heed the provision."

20 Ja 03, p.2

- f **Tenn. Frazier.** " . . . I would respectfully suggest to you that he is not always the best legislator who is most industrious in introducing and passing new bills, and that you can serve your state and people quite as well by the prevention of hasty, unwise and extravagant legislation as by the enactment of many laws of at least doubtful usefulness." 23 Ja 03, p.1
- g **U. Wells.** " . . . It has been aptly said that, while prosperity may be destroyed by mischievous enactments, it can never itself be created by law alone. The strength of a state exists not in the multitude and complexity of its statutes. It is their clearness, consistency and justice—in a word their harmonious perfection—which gives stability to the social system. Such crudities and errors as experience may have shown to exist in our present laws should, with care and calmness, be corrected without delay. Much further than this, however, we may well hesitate to go, save where at wisdom's promptings the enactment of new and wholesome legislation will promote the general welfare as well as give to individual capacity the fullest scope, for on this latter, after all, depends the prosperity of the whole. . . " 13 Ja 03, p.4

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Special laws

- a **Ala. Jelks.** "I appeal to you . . . to see to it that the time heretofore trifled away in local legislation, the continuous hunt by representatives for local monetary or other small advantage to his immediate constituents shall be given to the larger study of questions affecting the whole state. It is fortunate for you, too, that local legislation is, in a large way, out of your reach. It has heretofore had a tendency to dwarf our legislative stature. Under new conditions, the largest personality, and the strongest, will take his easy place at the head. . . " 14 Ja 03, p.1
- b **Ala. Jelks.** "Of the new statutes growing out of the 31 local subjects about which you shall legislate only in a general way, only two or three are likely to give you great concern. The subject which you will find the most serious will be the one which prohibits any special law incorporating a city, town or village. Your duty requires you to pass a comprehensive statute providing a plan under which towns of any size may be incorporated with privileges dependent on its size and needs. To formulate such a law will tax the capacity of your wisest members." 14 Ja 03, p.2
- c **Ark. Davis.** " . . . I desire to state to you frankly that the work of the last session of this honorable body was, in my judgment too largely consumed with local or special legislation. . . I refer specially to local fence laws, making four wires a legal fence, and the various stock laws passed by your last General Assembly; and

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I am free to confess that I feel myself somewhat derelict in my duty for not having vetoed a greater portion of this character of legislation." 14 Ja 03, p.3-4

- 1 **Cal. Gage.** "Incidental to this evil of overlegislation is an inclination on the part of legislators to enact general laws to fit special cases in order to evade § 25 of art. 4 of the state Constitution, which prohibits local or special legislation. General laws are often passed which, in fact, are only designed to benefit particular individuals or localities, or to relieve special conditions, but, though the special purpose be good, it often happens that the very generality of the law impairs other and more material rights. Different conditions, as a rule, require different laws. It is a matter to be regretted that the constitutional provision against special and local legislation is so wide reaching in its effects. While the evil that was intended to be remedied and guarded against by § 25 of art. 4 was a very serious one, still the new evil of the enactment of general laws to fit special cases is more serious, and it would be well for this constitutional section to be so amended as to permit necessary exceptions, thereby doing away with this injurious method of legislative evasion." 5 Ja 03, p.5

- e **Mich. Bliss.** "An evil in legislative practice in this state is the time consumed in the consideration of so called local bills, and this evil will probably continue till prohibited by constitutional provision. . . . The present legislative practice contemplates home rule by conceding to the legislators from any given municipality that they reflect local sentiment regarding local legislation. While as a rule this is satisfactory in results, in operation it occupies entirely too much time. The Legislature, as a basic proposition, should be restricted to the consideration of general bills only. If this is not done, as an alternative the legislative practice of a referendum sometimes obtaining on local bills, ought to be made mandatory. Municipalities should be given the largest measure of home rule consistent with their relations to the state and the operation of general laws. . . ." 8 Ja 03, p.11

- f **Mon. Toole.** "If the Constitution invited or permitted special legislation, each of you would, no doubt, be ready to formulate at once and press with insistence the measures required by his particular constituents; but, happily, legislation which is not obnoxious to the fundamental law, must, as a rule, relate to the people as a whole and affect all portions of the state, thus requiring from each of you a larger and broader view of every question than that circumscribed by the limits of your several districts; making you individually and in a large measure the representatives of the whole people." 5 Ja 03, p.5

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- g N. Y. Odell. "The increase in the statutory laws of the state, through what are known as special acts, not only consumes the time of the Legislature, but renders it more difficult for the legal profession to keep in touch with the changes that are constantly being made in our laws. General laws should govern so far as possible. Amendments to the game laws, special amendments to the charters of villages and cities should be discouraged, and relief afforded through general enactments whenever and wherever practicable. The Legislature could well afford under the direction of the Forest, Fish and Game Commission to accord to the boards of supervisors the right to regulate, under a general statute, the game laws for their own particular localities. The veto power which was accorded to the mayors of cities of the state had for its object not only the prevention of undesirable legislation, but also a reduction of the number of amendments to city charters. One of the sources of these legislative ills are measures which seek to restore, to repay or reimburse persons through some failure of power which should be lodged in municipal or state authorities. The time of the Legislature is not only consumed, but they sometimes act without a proper knowledge of the merit or demerit of the case and often thus lay the foundation for the establishment of illegal claims. Repairs on roads, the erection of bridges over the canals and other expenditures to be made by the state should be included in the annual appropriation bill on the recommendation of the heads of the departments affected. By so doing unnecessary improvements would be avoided and money saved to the state. . . "

7 Ja 03, p.23-24

- h N. Y. Odell. "I desire to call the attention of the Legislature to the numerous bills which through failure to observe some feature of the statute governing the issuance of bonds are brought before the Legislature each year. While there should be no reason, and perhaps there is no intent, to act in any other manner than as laid down in our statutes, yet the insistence of purchasers of bonds for their validation under the slightest pretext, will in the near future make it necessary for every bond to be legalized by special act of the Legislature. In view of this and also of the fact that bills introduced for this purpose but seldom set forth the defect which it is desired to remedy, it seems to me that some local body should be vested with power to legalize such bonds and to correct such defects without burdening the Legislature with their consideration. If a general law were enacted authorizing the boards of supervisors of the various counties to pass on these questions, it would be a greater safeguard to the interests of the taxpayers than the

## CONSTITUTIONAL LAW LEGISLATURE

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present system, and would render action by the Legislature of the state unnecessary. . . . " 20 F 03, p.4

- i **Wis.** La Follette. "Changing conditions and rapid growth in many cities doubtless call for material amendments to city charters, but much of the difficulty complained of ordinarily can be remedied by wise exercise of the powers of local government without change of the general laws, and trouble is more frequently caused than avoided by multiplicity of enactments relating to cities. . . . " 15 Ja 03, p.96

90

**Members of Legislature**

- a **Tex.** Lanham. "Parliamentary order, decorum in procedure, systematic work, prompt attendance on committees and the sessions of the respective houses and reasonable despatch of the public business are indispensable to useful and satisfactory results. Absenteeism is one of the banes of legislative assemblies. . . . " 21 Ja 03, House Journal, p.126

95

**Internal organization**

96

**Bribery. Illegal practices**

- a **Ill.** Yates, 7 Ja 03, p.5; alleged danger of corruption.

99

**Lobbying**

- a **W. Va.** White, 14 Ja 03, p.100; lobby law recommended.  
b **Wis.** La Follette. " . . . I desire to be distinctly understood as favoring the fullest and freest public discussion before committees, and, under proper regulations, before either or both branches of the Legislature by individuals or the representatives of interests affected, or which claim to be affected, in any manner by proposed legislation; but I urge on your consideration the enactment of a law that shall make it an offense, punishable by the heaviest money penalty, and by imprisonment as well, for any lobby agent or lobby representative, employed and paid for his services by others, to attempt personally and directly to influence any member of the Legislature to vote for or against any measure affecting the interests represented by such lobbyist." 15 Ja 03, p.86

100

**Officers and employees**

- a **Vt.** Stickney, 2 O 02, p.17; sergeant-at-arms.  
b **N. M.** Otero. "There was filed last year before the Senate committee on territories an affidavit made by a prominent lawyer of the territory, formerly a delegate in Congress, in which he charged that the last Legislature and the one preceding it had violated the act of Congress limiting the number and pay of employees in both houses of the Legislature. . . . This affidavit was not only presented



to the committee on territories of the Senate, but also to the secretary of the interior, in an attempt to show the irregular, illegal and unlawful manner in which the public moneys of the territory were diverted by the Legislature for the payment of political debts of the members." 19 Ja 03, p.51-52

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### Legislative procedure

- a **N. M. Otero.** "All acts should be carefully considered with a view to their effect on the whole territory and not with regard to certain localities only. You are elected not only to represent your legislative districts, but also the territory as a whole, and its interests should be paramount to mere local considerations. What benefits the territory at large, must necessarily benefit each county and locality, while the converse of this proposition is not true; and what may prove a benefit to certain localities may be an actual detriment to the territory at large; this is particularly true in reference to the location of territorial institutions, and appropriations made for their maintenance and support." 19 Ja 03, p 3

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### Bills

#### 108 Enrolling. Engrossing. Printing

- a **Ind. Durbin.** "In the hurry of legislation there are frequently presented to the governor enrolled bills in which changes or erasures have been made. Such changes may be mere corrections, or they may be intentional erasures. For the mutual protection of all, I am convinced that a law is needed providing for the printing of engrossed and enrolled bills from specially designed type, to be copyrighted and held as the property of the state. The result of such a departure, I am sure, will be much more satisfactory than the present system." 8 Ja 03, p.30
- b **Neb. Savage.** "Each session of the Legislature has witnessed the unnecessary expenditure of a large sum of money for printing and stationery. Numerous bills are introduced which have no merit to commend them, and, after a great deal of expense has been entailed, fail of passage. While many of these bills aim at legitimate achievements, not a few of them are utterly devoid of merit. I therefore recommend that before a bill may be introduced, it be referred to such committee of the house in which it originated as has to deal with subjects of that character and shall be entertained by your honorable body only when its introduction bears the approval of a majority of said committee . . ." 6 Ja 03, p.8
- c **N. C. Aycock.** "Under the law as it now stands, the office of enrolling clerk has been abolished, and the secretary of state is charged with the supervision of the enrolment of bills. . . "

7 Ja 03, p 10

## CONSTITUTIONAL LAW DIRECT LEGISLATION

109

## 109 Financial procedure

- a** **N. M. Otero.** "... I strongly urge that you do not allow anything in that [appropriation] bill which is not strictly germane to the subject. At some sessions the revenue act has contained important changes in general laws, and new enactments on totally different subjects, which practice should be avoided, and the bill confined strictly to matter of taxation and appropriation." 19 Ja 03, p.60

## 113 Sessions

- a** **Ct. Chamberlain.** "A short session would attract much attention as a novelty, at least in legislative history. While haste can hardly be recommended, you will make no mistake in doing a full day's work, thus saving time and shortening your sojourn at the capitol. It is my duty and will be my pleasure to cooperate with you as occasion may require. With best wishes for a brief and successful legislative term, as well as for your personal happiness, my message is closed." 7 Ja 03, p.22
- b** **Ga. Terrill.** "Annual sessions of the Legislature have made it easy to enact new statutes as well as to amend or repeal old ones, so as to supply omissions or cure defects disclosed by experience, and in consequence, we have a system just, simple, and in every way suited to the genius and spirit of our people." 8 N 02, p.3
- c** **S. C. Heyward.** "The question of biennial sessions has been much discussed for the past few years, and, though they have been favored by a majority of the General Assembly, as yet two thirds of the members have not consented, and hence a constitutional amendment providing for them has not been submitted to the people. In my judgment, were such an amendment submitted, it would be adopted, which I can not but believe would be to the interest of the state. Very few of the states of the Union now have their Legislatures meet annually, and I know of no condition peculiar to South Carolina which necessitates ours doing so." 21 Ja 03, p.12-13

## 115 Direct legislation

- a** **Mass. Bates.** "Our fathers established here a representative form of government. In most matters that come before the General Court its members must take the responsibility and decide for the people. But it is not an attempt to shift the burden of responsibility for a Legislature elected to make laws for a single year, to refer to the people of a special locality for their direct decision such matters as the granting of franchises where the people of that locality alone are to be affected, where their interests only are to be subserved, and where, as the result of such action, their welfare is concerned, not for one, but for many years. I am in entire accord with the views of those who believe that legislation in such

cases should be referred for the approval or rejection of the voters of the community most interested." 8 Ja 03, p.29

- b **Mon. Toole.** "I know of nothing more in accord with the genius and spirit of American institutions than what is popularly known as 'direct legislation.' If such a change is made in our fundamental law as will permit the people at the ballot box to approve or reject certain legislation, those having private interests to serve will not infest these chambers or obstruct the public business. Moreover, the Legislature and the executive will exercise more care as to the nature of the measures passed and approved if the voters have the power to demand that their voices be heard at the ballot box directly on these measures. . . ." 5 Ja 03, p.35-37

- c **Or. Chamberlain.** "The people have seen fit to adopt an amendment to the Constitution providing for the initiative and referendum. . . Legislative contests over the election of United States senators, and lobbies in the interest of railway and other corporations, have so obstructed legislation in years gone by, that many laws actually demanded have failed of enactment, while others absolutely without merit and vicious in their tendency have found lodgment on the statute books. As a means to check these evils—sins of omission and of commission—the initiative and referendum is to be attempted, and there is no question but that the effect will be beneficial. To give the amendment a fair trial some legislation ought to be had at this session to make it effective. . . ." 14 Ja 03, p.33

- d **R. I. Garvin.** "Not only should the people of the state be proffered an opportunity to make a new constitution, but a reasonable minority of the people should also be given the right to propose amendments to the organic law. . . I therefore recommend the passage by this General Assembly of a joint resolution proposing a constitutional amendment, which shall provide that a number of electors, not in excess of 5000, shall be empowered to propose future specific amendments to the Constitution and to have them submitted directly to the people for their adoption or rejection by majority vote." 6 Ja 03, p.10

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## Elections. Political parties

*See also the term of office vacancies etc. the various officers under state and local government*

126

### General

- a **Cal. Gage,** 3 Ja 03, p.7, revision of election laws recommended.  
**W. Va. White,** 14 Ja 03, p.100  
 b **Okl. Ferguson.** The election laws should be changed. Under the existing law the will of the people can not always be expressed.

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- The phraseology of the law should be made so plain and free from ambiguity that the voter can cast his ballot intelligently, and that the courts can interpret the law in case of contest." 13 Ja 03, p.22
- c Tenn. Frazier. "Our election laws have grown up through a series of enactments, passed at different times, till they have become somewhat complicated and difficult to understand, both by the voter and those charged with their execution. They should be codified and all uncertainty removed and be made as plain, simple, and direct as practicable. . . ." 23 Ja 03, p.15

128

**Suffrage ; qualifications**

- a S. C. Heyward. "Political conditions in our state are such that we can look to the future with every degree of confidence and encouragement. Racial problems, which have sorely beset and hindered us in the past, have during the last decade reached such solutions as will go far toward advancing the interests of both races. Our white citizens are—as they should be—in undisputed possession of every department of our state, county and municipal government. . . ." 21 Ja 03, p.4

30

**Property. Poll tax**

31

**Property**

- a R. I. Garvin, 6 Ja 03, p.8; removal of property qualification for voting for city council.

32

**Poll tax**

- a Del. Hunn. "Time has effectually shown the unpopularity of the payment of a registration fee as one of the constitutional conditions precedent to the exercise of the elective franchise. The imposition of this tax has not met the expectation of those who placed it among the provisions of the Constitution, in order that, by limiting the suffrage, elections might be raised to a higher standard. The registration fee imposed on the voter should be abolished. It is vexatious to the people, and tends to increase rather than diminish the obligation of a certain class of voters on those more able to pay it." 6 Ja 03, p.13-14
- b Tex. Sayers. The amendment to art. 6, § 2, of the Constitution. "It is believed that, in order to render this amendment more effective, official receipts for poll taxes should be given separately from those for other taxes; that election officers should be required to stamp, or write in ink across the face of every poll tax receipt, when presented to them by a voter, the word 'voted,' with the date of the election; and that the amendment and law should be made to apply as well to primary as to general and special elections."

16 Ja 03, p.22

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**Educational qualifications**

- a **S. C. Heyward.** "According to the reports of the superintendent of education for several years past, it is shown that more children than whites are attending our public schools. I hope white people realize what this means for the future? Do they realize that, if they allow their children to grow up in ignorance of the Constitution of their state—a constitution of their own making and adoption—will, later on, deny the ballot to their sons? .

21 Ja

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**Women**

- a **Mon. Toole.** "As a member of the Constitutional Convention of this state, I voted in favor of submitting the question of universal suffrage to the people. I am in favor of submitting it now. A new force is demanded in this state to clean out the Augean stables whose poisonous effluvia ladens the political atmosphere and corrupts the public morals. . . "

5 Ja 03, 1

149

**Corrupt practices. Election offenses**

- a **Tex. Lanham,** 21 Ja 03, p.123; House journal.
- b **W. Va. White.** "The corruption of voters and the blackmailing of candidates by corrupt voters is an evil which, in the respect at least, is growing with the years, and the man or woman who can find a remedy, or who will apply the remedy in the proper laws, so as to land a few hundred of these conscienceless blackmailers of candidates and sellers of their votes in the penitentiary and disfranchise a few hundred or thousands of them for all time to come, will confer a great blessing on the state. A man who sells his vote ought to be disfranchised, as well as the man who buys his vote for sale, or endeavors to extort money from candidates for the delivery of his own vote or that of others. It is suggested that every candidate for public office, either at a primary or at a general election, should be required to submit an expense account, showing the amount of money expended by himself personally, or through any agent or friend, for election purposes, making it a felony for him to submit a false or evasive statement. It is also suggested that if our law was amended so as to impose a severe penalty on the seller, and not on the buyer, it would result in more convictions."

14 Ja 03,

151

**Corruption and miscellaneous offenses**

- c **Ala. Jelks.** "We have come to honest elections in this state. Whatever may have been said in condemnation or justification of election frauds heretofore, there is no further occasion for anything but absolute honesty in both the primary and the election. . . In this connection, you will be called on to provide a more rigid

## CONSTITUTIONAL LAW ELECTIONS

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perfect primary law than the one we have and a statute looking to registration under the permanent plan of the new Constitution. The very letter of the law should control in the registration under the permanent plan. The Sayre election law ought to be repealed and the new statute should provide for representation at the polls of two or more political parties, looking to the impossibility of election frauds."

14 Ja 03, p.2

153

**Bribery**

- a **R. I. Garvin.** "That bribery exists to a great extent in the elections of this state is a matter of common knowledge. No general election passes without, in some section of the state, the purchase of votes by one or both of the great political parties. It is true that the results of the election may not often be changed, so far as the candidates on the state ticket are concerned, but many assemblymen occupy the seats they do by means of purchased votes. In a considerable number of our towns bribery is so common and has existed for so many years that the awful nature of the crime has ceased to impress. In some towns the bribery takes place openly; is not called bribery, nor considered a serious matter. The money paid to the voter, whether two, five, or twenty dollars, is spoken of as a 'payment for his time.' The claim that the money given to the elector is not for the purpose of influencing his vote, but in compensation for time lost in visiting the polls, is the merest sophistry and should not deceive any adult citizen of ordinary intelligence. It is well known that in such towns, when one political party is supplied with a corruption fund and the other is without, the party so provided invariably elects its assembly ticket, thus affording positive proof that the votes are bought and the voters bribed. . . I recommend that the governor be empowered to appoint, with the advice and consent of the attorney general, a commissioner at an annual salary of \$1000, who shall serve for three years, and whose duty it shall be to employ agents to detect the crime of bribery and to bring to justice offenders against the bribery law (ch. 14 of the General Laws) at or in connection with the general election held on the Tuesday next after the first Monday in November of each year, and that, exclusive of his salary, an appropriation of \$3000 be made by this General Assembly to defray expense of the commissioner for the current year."

(Special message) 10 Mr 03

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**Nominations. Parties**

- a **Mass.** Bates, 8 Ja 03, p.27; caucus warden. **Tex.** Lanham, 21 Ja 03, p.123; House journal. **Wis.** La Follette, 15 Ja 03, p.55-69.
- b **Ari.** Brodie. "I recommend that a primary election law be enacted by this Legislature, and suggest that such a law should prescribe that the primaries of all political parties in the territory

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- desiring to place candidates in the field at any election, shall be held at the same place and on the same day. The benefits to come from such a law can easily be seen." 19 Ja 03, p.10-11
- c Col. Orman. "Our government is popularly supposed to be a government of the people, but in some particulars I fear we have strayed away from our first principles. Therefore, I desire to urge on you the wisdom of enacting a primary law which shall put the nominating power solely in the hands of the people. If the people are able to govern themselves, they are able to say as to whom they want to represent them, but as primaries are now conducted the people have but little to say. . . " 10 Ja 03, p.65
- d Ill. Yates. "There are many who believe that a great deal of the friction which does arise in all parties, is due to the varying kinds of primaries held, and to the scattering of the county conventions throughout four months. It is argued that if it would be absurd to hold an election in Cook county on Monday, in Peoria on Tuesday, Kane on Wednesday, Sangamon on Thursday, St Clair on Friday, and Morgan on Saturday; why is it not absurd to hold 100 conventions on 100 different days? If it is desirable to vote at the polls on the same day throughout the state, why is it not desirable to vote at primaries on a common day? Why not have all the ward and township primaries of all parties held on a given Monday, the county conventions on the next day, Tuesday, and the state convention on the third day, Wednesday, and thus simplify the whole matter? It would keep every politician at home, and the colonizer and walking delegate politician would be 'out of a job.' It would leave every county and township and ward to settle its own affairs, and so give home rule. It would remove from every contest the hampering question of its effect on other contests at other times. And it would compel every county to give up the unprincipled idea of joining the winner at the last moment. As to primaries, the day is sure to come when every man must vote his direct choice, by ballot, for both delegates and candidate. The plan is American, republican, and productive of honest politics. I sincerely hope to see it enacted into law at this session in some form." 7 Ja 03, p.8
- e Me. Hill. "Every safeguard of the general election should be placed about the caucus. Our present system is liable to grave abuse, and I earnestly recommend and urge the enactment of a direct primary law which will more completely preserve the purity of the ballot, and under severe penalties prevent the members of one party from participating in the caucuses of another. . . " 8 Ja 03, p.10
- f Mass. Bates. "Our state recognizes in its caucus and election legislation not only the existence of parties, but also their necessity

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and utility; yet no provision has been made which sufficiently provides for the designation of those who are entitled to vote in party caucuses. . . It would seem to be just, to provide by legislation for an enrolment of the voters on party lines, such enrolment to be made by the public authorities, and sufficiently far in advance of a caucus as to be made under normal conditions, and with such provisions for a change in party enrolment as may be necessary to prevent errors and to permit the voter to fully exercise his free will. Such legislation will not only tend to the purity of the ballot at the primaries, but will also tend to fix party responsibility, which is of the greatest importance. . . "

8 Ja 03, p.27-28

g **Mich.** Bliss. "Attention is earnestly invited to the necessity of a satisfactory primary election law. Both the great political parties of the state have declared in favor of such a measure, and the subject is therefore one in which people of all shades of political belief are interested. The system by which the nomination of candidates for public office is made, underlying the foundation of the election machinery itself, should be protected fully and perfectly, and should be regulated by a law that will be safe, effective and equitable in order that the best results may be obtained. I recommend the passage of such a law."

8 Ja 03, p.3-4

h **Minn.** Van Sant. "After a trial of the primary election law the consensus of opinion seems to be that the law will be a permanent method of nominating candidates for office. Experience has suggested amendments and will continue to do so from time to time. Many amendments have been suggested and discussed in the public press and otherwise, and undoubtedly some of these suggestions are meritorious. A change in the time of holding the primaries seems to meet with popular favor, and after mature consideration I recommend that a change be made providing for the holding of the primaries late in June or early in July. I also recommend that the filing of certificates of candidates be limited to 30 days prior to the date of the primary election. I am also of opinion that it would be advisable to so amend the law that a person desiring to become an independent candidate be compelled to take the necessary steps prior to the primary election and not afterward, as he may do under the present law. It would be well, also, for you to consider whether it would not be wise to so amend the law that the different tickets would appear on one ballot rather than for the elector to call for the ticket representing his political views, as under the present law. Many other amendments will probably be suggested and will undoubtedly receive your careful consideration. It is desirable to perfect the law as nearly as possible at this session, as there are many defects, as experience has shown."

7 Ja 03, p.26-27



- i **Mont. Toole.** "Direct nominations at a primary election are just as essential as direct legislation. . . If the primaries of all political parties were held at the same time and places, before the same judges, with the names of all the candidates printed on a ticket of uniform size and color, or on one ticket, such as now prevails at general elections, the possibility of one political party controlling the nomination of another political party would be removed; the temptation to corrupt the voter be largely withdrawn and the elector's choice be registered beyond question." 5 Ja 03, p.41
- j **N. J. Murphy.** "The last Legislature authorized the appointment of a commission to consider an amendment to the election law which should provide for the regulation of primary elections. That commission was appointed. They have given much study to the question, and, as a result of their investigation, they have prepared a bill which I commend to the favorable consideration of the Legislature. . . The present condition is bad. It might possibly be worse, but, in some counties of our state, not very much worse. . . " 13 Ja 03, p.4-5
- k **N. Y. Odell.** "Both the primary and election laws are constantly violated in the city of New York. Acting under advice, which at that time seemed to me to be such as to merit confidence, I vetoed a measure passed by the last Legislature which prohibited the transferring of voters from one locality to another by certificates prior to primaries. I am now convinced that this power is a dangerous one, and that the law should be so amended that those who register their party affiliations on the days of registry during the fall should alone be permitted to express their preferences at primaries. While the objection may be raised that this would deprive a number of people of a voice in the selection of party candidates, yet this objection does effect equally those who remove from one election district to another prior to election. This power of transfer has been abused in the city of New York by alliances entered into by district leaders of opposite political faith by having a sufficient number of their followers register themselves as being affiliated with the opposite political party for the purpose of influencing contests for party control or for the nomination of candidates at primaries. Of course this is only done when the leader who desires to aid one of opposite political faith knows that he will have no contest for control in his own district. If the period between the date of registering party affiliation were six or eight months prior to the primaries, it would be a preventive in part against the misuse of such powers which can only be used with impunity by a district leader when he is certain that there is to be no contest within his own political party. . . "

## CONSTITUTIONAL LAW ELECTIONS

- 1 **Or. Geer.** "For many years there has been a general demand for reformation in the manner of making nominations for public offices. . . The instances where a county or state convention tramples under foot the demands of the people have been too numerous and flagrant to require any argument in support of their proof. The convention system is a superfluous agency for doing that which the people may themselves as well do directly. The people of the entire state, of every party, meet before the opening of every campaign in what are called primary meetings. . . While assembled in their primary meetings the people had as well express themselves directly as to their preference for county and state candidates as to choose representatives to do the same thing, or, as is often the case, to not do it. . . " 10 Ja 03, p.19
- m **Wis. La Follette.** "The right of suffrage then may be divided into two separate and distinct transactions, each necessary as a complement to the other. First, all of the proceedings, acts, and measures necessary to insure to each citizen the right to vote directly, under the sanction of a law which shall protect him from interference, in the selection of the men as the candidates of his party to be voted for at the general election. Second, all of the proceedings so well provided for at the present time by statutes governing the general elections. The first step in suffrage is exercised in the selection or nomination of the candidates of each party. The second step in suffrage is exercised in the election of the candidate to office. Any interference with the citizen in the exercise of his prerogative in either case is equally destructive to his right of suffrage. It is no longer open to dispute that the nomination of candidates for office has in a very large measure passed out of the hands of the citizen. For many years it has been popular with certain theoretical writers on the subject to place the responsibility for this entirely on the citizen himself, and to charge him with dereliction of duty and want of interest in public affairs, absorption in business interests and pursuit of fortune being assigned as primary causes of neglect of these elementary duties of citizenship. But it is fair to say that the citizen always has manifested the same willingness to participate in the affairs of government, to perform his duties in the elections, to serve in the rank and file of his party in the campaigns, that he has to defend his country in the field when the sterner duties of war summoned him in its defense. A close study of the history of caucuses and conventions will convince any unbiased mind, in search for truth, that the voter has been gradually eliminated as a factor, after long, patient trial, because the delegate system has utterly failed to represent him or to reflect his opinion in its results. . . It is not enough to say that

the voter has his opportunity to attend on the caucus and express his choice as to delegates. This is to offer the form of the thing for the substance. If the voter, time after time, casts his ballot and elects the delegates of his choice only to discover in the end that he has been in some way betrayed, and the decision of the majority in fact reversed, it is inevitable that he should as a serious minded citizen refuse further to participate in the farcical proceedings. It is this that has driven the majority of the voters from the caucus till it is only in times of profound public concern and intense public feeling that even a respectable minority of the voters are represented in the caucus and convention system. The largest attendance on caucuses in the history of political contests in Wisconsin resulted in polling less than 40% of those entitled to vote, and in many counties as much as 90% of the party vote failed to appear in the returns. . . It is not for us to determine what shall be the scope of a law to nominate candidates by direct vote. This has been settled by the people of Wisconsin, to whom the matter has been referred and referred again. They have determined that all candidates for state, legislative, congressional and county officers shall be nominated at a primary election on the same day by direct vote under the Australian ballot. . . "

15 Ja 03, p.58-60, 65

n Vt. McCullough. " . . . The caucus should be surrounded by the same safeguards as the election. The primary election should be held on the same day and hour throughout the state; check lists should be provided; the choice should be by ballot; and all the precautions of the general election law should be extended to the primary election."

3 O 02, p.8

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#### Parties

a Wis. La Follette. "Since the adoption of the federal Constitution, government in this country has been through the agency of some political party. Political parties are not organized or maintained on the personality or strength of individuals, but around certain deep seated ideas which lay hold of the convictions of men. These ideas when formulated and proclaimed become the party's declaration of principles, its promise to perform. This declaration of principles, this promise to perform, is of the highest importance to each citizen. When so proclaimed, it enables him to determine his party affiliation. He well understands that one political party or another will control government, will make and administer laws. Hence, he gives his support to that party which promises to do the specific things that he regards of the highest importance to the state and to the welfare of every citizen. The party pro-  
therefore, is a covenant with the voter on which he has stake

faith and his interests. He has given his support, he has invested the party with his authority, he has made it possible for the party to control in government. On its promise and his support the party has become the custodian of his political rights as a citizen, of his property right as a man. . . But the party must select men as its medium of expression in government from the members of its organization and make them public officials to execute the will of the majority. On the public official then there falls the full weight of this double obligation. He represents the individual citizen in person. He is the custodian of the party honor. He can not play fast and loose with clearly understood personal and party obligations and maintain a semblance of official integrity. He has no more moral right to quibble and evade, to say that he will perform a part and repudiate some of the specific promises of the party, than he would have to use in part trust funds committed to his keeping. If this be counted too exact a standard of public duty to-day, be sure that it will not be so regarded tomorrow. The citizen is being rapidly schooled by experience throughout the entire country, and is fast acquiring definite ideas of the right relation of the political party to government, of the citizen to his political party, and the duty of the public official to the citizen, to his party, and to the state. . . "

15 Ja 03, p.62-64

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## Districts. Notices. Days

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### Days. Hours

- a **Neb.** Savage. "Provision should be made for the election of all state and county officials biennially at one general election. . . The theory that by dividing the offices in this way, partizan abuses may in a degree be eliminated, combats the philosophy of experience. . . "

6 Ja 03, p.8-9

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### Districts

- a **Ari.** Brodie, 19 Ja 03, p.10; division of county into voting precincts.

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## Ballots. Voting

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### General. Ballot reform

- a **Cal.** Pardee. "The ballot law, which was adopted in this state in the belief that it would correct the evils which prevailed when the old party ballot was used, has developed a weakness which could not have been foreseen, and legislative remedy is necessary. In its desire to exclude all opportunities for fraud and to obtain absolute secrecy, the Legislature required strict uniformity in the marking of ballots; and the courts have interpreted these requirements with equal strictness. The consequences are that many

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voters, through carelessness or lack of understanding, make mistakes which are fatal; and the ballots have to be rejected. . . It seems probable that, in the ballot machine, which has now been clearly legalized by a change in the Constitution, we shall ultimately find relief from the perplexities of ballot laws which are so frequently too loose or too strict to work well. . . "

7 Ja 03, p.15-16

- b **Del. Hunn.** "The present election laws of this state have with one exception completely disappointed the expectations centered in the Australian ballot system. Practically the only good feature as compared with the old method of voting was the introduction of the booth and what might be termed the police regulations surrounding the polls, which undoubtedly have made the elections of this state much freer from public disturbance." 6 Ja 03, p.13

- c **Me. Hill.** "Our present ballot law is manifestly defective in some important details. It should be simplified and made so clear and plain in all of its provisions that every citizen can understand it. It frequently happens that election officers, through a misunderstanding of the law, fail to count ballots which should be included in their returns. In every state election, hundreds of citizens lose their votes by reason of their failure to mark their ballots in accordance with the strict requirements of the law. This is not as it should be. No man should lose his ballot by reason of a mere technicality, when his intent is so clearly expressed as to be evident to all. . . " 8 Ja 03, p.10

- d **Pa. Pennypacker.** "The present ballot law, suggested in the interest of reform and adopted by the Legislature in an effort for the improvement of public affairs, has proved in practice to be both cumbersome and inefficient. It needs either careful amendment or reconstruction. . . The great mass of voters have neither the time nor the inclination when they reach the polls to study the methods of voting, however meritorious they may be, and the plan adopted ought to be one easy for them to understand. The thought that anything ought to be done by means of the law to encourage independent voting and to make it difficult for the prohibitionist, democrat or republican to vote his full party ticket, if he will, is mere vicious theorizing, and would be an interference with the right of the voter which should not be attempted." 20 Ja 03, p.3

- e **W. Richards.** "We have in this state a class of legal voters, consisting of a considerable number of our most industrious and energetic citizens whose business, one way or another, is connected with the railroads, either in the railway mail service or as railroad employees. Their duties take a very large number of them from

## CONSTITUTIONAL LAW ELECTIONS

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their home on election day, thereby depriving them of exercising the dearest right of an American citizen—the right of suffrage. The unfairness of this deprivation must be apparent to all, and I would therefore recommend that a law be passed giving to those employed on railroads in any capacity, whose duties take them away from their voting precinct on election day, the right of voting at some other point within the state, where their duty calls them, and providing that special blanks shall be furnished at railroad voting precincts, so that their votes may be sworn in, and their ballots returned in sealed envelopes to the place of their residence, there to be counted in the election returns. The privilege has been granted in some other states; and it seems to me that it is a matter of justice and propriety that we should make provisions so that this class of our citizens, who are compelled to absent themselves from their voting precinct, shall not be deprived of their right of suffrage.”

13 Ja 03, p.26

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## Form

- a **Kan.** Bailey. “I recommend that the election law passed by the last Legislature be so amended that no square shall be placed on the official ballot opposite ‘No Nomination.’ . . . ” 13 Ja 03, p.17
- b **Minn.** Van Sant. “ . . . Some plan should be devised which will require electors to give attention to measures requiring ratification and to proposed constitutional amendments. Under an old law measures of this character were placed at the bottom of the ballot, but, owing to the fact that the voters failed to heed them, the law was changed requiring such measures to be placed at the top of the ballot. . . The result has not been what was anticipated. . . To meet the difficulty referred to I would suggest a plan to which I am advised there is no legal objection. . . It is to so amend existing laws that each proposed constitutional amendment or measure requiring ratification be placed on a separate ballot. . . ”  
7 Ja 03, p.24
- c **Mon.** Toole. “I would suggest also that our ballot law be so amended that all measures or questions referred to the people at regular elections be printed on a separate ballot. . . ”  
5 Ja 03, p.38
- d **Neb.** Mickey. “During recent years a number of attempts have been made to secure needed changes in the organic law of the state, by submission to the voters of proposed amendments to the Constitution. Under the constitutional provisions, all proposed amendments must be submitted at the general election at which members of the Legislature are voted for. By the present law such proposed amendments, in abridged form, are made a part of the regular ballot, and a majority of all votes cast must be recorded affirma-

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tively for each proposition before it can be adopted. In the greater interest attaching to the election of candidates the voters lose sight of the importance of constitutional changes, and a majority of them fail to vote on the propositions submitted. As each failure to vote is in effect a negative vote on the question, or questions, it becomes practically impossible to amend the Constitution by such means, even in cases where the people are generally agreed that the change should be made. As a correction of this difficulty and a means of securing the needed constitutional modifications, I recommend that your body propose an amendment to § 1 of art. 15 of the Constitution which will provide that amendments to the Constitution may be submitted to the electors for approval or rejection at a general or special election, and I further suggest that the present election law be so changed as to authorize a separate ballot for the submission of such questions."

6 Ja 03, p.46-47

- e **N. M. Otero.** "... I would recommend that the present law be changed so that the territorial central committee of each political party shall select and adopt the emblem or device to be used by said party for the ensuing two years, in all counties of the territory. . . "

19 Ja 03, p.55

- f **N. Y. Odell.** "The constantly increasing tendency to defective ballots in our state and municipal elections presents some phases which should direct your attention to a more perfect ballot system than exists under the present law. Partizan action too often causes the rejection of ballots. The number of defective ballots cast at the last election was almost as great as the plurality received by the successful candidate for governor. While it may be true that these ballots are divided evenly between the parties, yet the right of every citizen to express his choice of candidates and have his ballot counted should not be denied because through inadvertance or ignorance of the law it has not been marked in such a way as to satisfy the critical examination of partizan judges. . . "

7 Ja 03, p.28

- g **Okl. Ferguson.** "The right, under the existing law, to place the name of one candidate twice on the ballot, is confusing and is disapproved by the people generally, irrespective of political affiliations."

13 Ja 03, p.22

- h **W. Va. White.** "... The ballot should be made more simple and the marking of it easier. It is a great pity that our Constitution does not admit of and require an absolutely secret ballot. . . very large per cent of our voters at every election lose their ballot from failure to properly mark the same, and it is a question whether there is any uniformity of opinion as to how certain ballots shall be counted among the officers of election throughout the state.

14 Ja 03,

## CONSTITUTIONAL LAW ELECTIONS

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## Voting machines

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- a **Ind. Durbin.** " . . . The 62d General Assembly created what is known as a 'Voting Machine Commission,' the report of which will be submitted for your formal consideration, and I trust it will receive your earnest attention. We are confronted with abundant proof that the 'Australian system,' while it is in many respects superior to former methods, is lamentably deficient in the respect that it permits of the practical disfranchisement of an astonishingly large number of electors whose ballots should be counted as they were intended to be by those who cast them. The efficacy of the voting machine has been tested, and it is the consensus of opinion among those who have given the subject thorough consideration that it guarantees more satisfactory results than may be hoped to be obtained by any other method. The great expense involved in the proposed machine system of voting is the only objection, but I am nevertheless inclined to the belief that the matter of cost, where reasonable concessions can be secured, should not stand as the sole obstacle against any movement designed in good faith to protect the people to the utmost degree in the exercise of their inalienable rights." 8 Ja 03, p.26
- b **N. J. Murphy.** "The last Legislature provided for the appointment of a commission to investigate the desirability of a voting machine to replace the ordinary ballot. . . The only serious objection that appears against the adoption of the machine in place of the ballot is its cost. . . I suggest that if the report of the commission is favored by the Legislature, the state should provide the first machines to the people, with the understanding that repairs and additional machines be provided by the counties. It is true this will require a large appropriation, perhaps half a million dollars; but how can the money of the state be so well used as in providing a means by which the corruption of the ballot is made impossible? . . . " 13 Ja 03, p.5-6

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## Registration

- a **Col. Peabody.** "Under our present law, in cities of the first class, there seems to be no limit to false registrations and illegal and fraudulent voting, all parties charging the others with equal guilt, as the opportunities present themselves. Such conditions are intolerable, and remedies must be provided, or the elective franchise will become a farce. . . " 13 Ja 03, p.106-7
- b **Del. Hunn.** "The requirement of a biennial registration of all the voters might be amended with great accommodation to the people and without in any way bringing injury to the state. The very large percentage of the voters of each district are permanent



citizens therein and should be on permanent registration lists. . .  
As it now is, many citizens lose their elective franchise because of  
absence from the state at the time of registration or by sickness  
and other causes. . . " 6 Ja 03, p.14

c N. Y. Odell. "The influx of voters into cities and the well known  
plans of fraud by which one registers and another votes on the  
same name should also receive attention at the hands of the Legis-  
lature. In the larger cities of some of the states it is required that  
each registered voter shall sign his name on the day of registration  
as a means of identification on the day of election, and in case of  
his inability to write, that his identity shall be vouched for in a  
manner satisfactory to the full board of registry and election in-  
spectors. I recommend amendments to the election laws as will  
produce such results in all the larger cities." 7 Ja 03, p.27-28

d S. D. Herreid. "Amend the registration law, requiring an annual  
registration, to correspond with the biennial system of elections."

6 Ja 03, p.50

e W. Va. White. The registration amendment. "This is a reversal  
of the policy of the state for the past 30 years. . . The law should  
be made effective, but as little burdensome to the taxpayers and  
vexatious to the voters as possible." 14 Ja 03, p.25

190

#### Lists. Transfers

a N. C. Aycock. "Under our election law provision is made for  
the certification by the clerks of the Superior Courts to the secre-  
tary of state of the permanent roll of registered voters, and it re-  
quires this roll to be copied alphabetically by townships in the  
secretary of state's office. . . I recommend . . . that the law be  
so amended as to make the certified list now in the secretary of  
state's office the permanent roll of registered voters without requir-  
ing the same to be copied." 7 Ja 03, p.20

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### Canvass. Contests

195

#### Count. Canvass. Returns

a Mich. Bliss. "Legislation should also be undertaken to fully  
insure an accurate count of the election ballots, as far as possible  
rendering annoying and costly recounts unnecessary." 8 Ja 03, p.

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### CRIMINAL LAW

Penal Code and Code of Criminal Procedure

200

#### General

a La. Heard. "Under art. 322 of the Constitution a commi  
was created to prepare drafts of a Code of Criminal Proce  
Criminal Laws and Criminal Correction, for this state. This

## CRIMINAL LAW PROCEDURE

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mission was appointed and a draft of such codes was printed and submitted to your honorable body by my predecessor, and I understand that copies were sent to the several judges throughout the state. Under a concurrent resolution adopted at the session of 1900, a committee was appointed, composed of two senators and two members of the House of Representatives with the attorney general as ex officio chairman, to whom all amendments to this code should be submitted. . . In considering this subject the utmost caution should be observed so as not to unsettle the law and jurisprudence defining crimes and offenses. I deem it advisable that some legislation be had looking to the speedy trial of all criminal cases. . . "

12 My 02, p.48

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## Criminal procedure

For laws applying to both civil and criminal procedure *see* Civil procedure, 695

203

## Apprehension, prosecution, indictment

204

## Apprehension

- a **Ala. Jelks.** "The states around us provide in their statutes for the payment by the respective counties of the expense incurred in the capture and return of absconding felons. It now depends alone on the governor whether he will issue requisition with expenses by the state. This is not a fair burden to the state treasury. Local boards of county commissioners know better whether it is advisable to incur the expense of sending for these criminals. . . "

14 Ja 03, p.17

208 Reward

- a **Ga. Candler.** "I . . . advise the enactment of a statute authorizing the governor to pay all rewards earned in the apprehension of fugitives from justice out of the hire of convicts and not out of the contingent fund." 22 O 02, p.12
- b **N. M. Otero.** "Under the present law the executive is not allowed to offer rewards in any case for the apprehension of criminals. This should be amended so as to allow the executive in a proper case to offer reasonable rewards. . . " 19 Ja 03, p.54
- c **Okl. Ferguson.** " . . . The reward policy has worked well in Oklahoma. Many desperate characters in the past history of the territory have been forced to answer to the law for misdeeds because rewards were offered for their arrest, who doubtless would have gone unpunished had no reward been offered. . . "

13 Ja 03, p.23

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## Prosecutions

- a **Or. Chamberlain.** "The act of 1899, empowering the several district attorneys of the state to file original informations against those charged with crime has resulted in a great saving to the tax-

payers. The courts are still invested with a discretion to empanel grand juries if they see fit. But as a rule, there is little for them to do, except to investigate the books of the several county officials, and to visit and inspect the public institutions of the counties, cities and the state. . . "

14 Ja 03, p.17

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## Evidence

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### General and miscellaneous

- a Vt. Stickney. "The courts of this state have always had difficulty in securing the attendance of persons found in the state of New York as witnesses to testify in criminal causes pending in this state. For many persons possessed of knowledge of facts necessary to be shown on the part of this state in such causes have exhibited a disposition to trade on the necessities of the state, and insisted on the payment of exorbitant compensation before coming into this state to testify. This difficulty became so aggravated in a recent case that persons desired as witnesses in behalf of the state insisted on the payment in advance of \$100 a day and expenses each. The governor called this matter to the attention of the governor and Legislature of the state of New York, and that law-making body, seeing at once the justice and propriety of remedying this evil, enacted a law which became operative on the 6th day of March 1902, whereby any person within the borders of the state of New York can be compelled by subpoena to attend as a witness in all trials of persons charged with offenses of the grade of felony in the courts of this state, on proper application for such subpoena by the proper officers of this state, and tender to the person desired as a witness of the sum of 10 cents for each mile to be traveled to and from the court wherein the trial is pending, and the sum of \$5 for each day that his attendance is required. Our own statute on this subject (V. S. § 1919 and 1920) is reciprocal except that it provides for the payment of a sum so much smaller than this that it seems inadequate to meet the necessary expenses of a person sent into a large city for several days, and it is recommended that our statute be made reciprocal in respect of fees." 2 O 02, p.15-16

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## Judgment. Sentence. Execution

226

### Expenses. Costs. Fines

- a Tenn. Frazier. "While the reform inaugurated several years ago resulted in materially reducing the costs of criminal prosecutions in the state, we are still paying out too much money for that purpose. . . I would invite your attention to one suggestion which it seems to me should be adopted in justice to the state, and that is that in all small felonies where the prisoner is sent to the work-

## CRIMINAL LAW PROCEDURE

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house or jail for less than a year, as now provided by law, the state do not pay any costs. In such cases the county gets the services of the prisoner and can reimburse itself, if it desires, by working him in its workhouse. In cases sent to the penitentiary the state can repay itself the costs of the prosecution by the labor of the prisoner, but in workhouse cases it can not." 23 Ja 03, p.20-21

- b **W. Va. White.** Criminal charges. "It is shown that certain items, now charged to this expense, should properly be borne by the counties. As usual, a large deficiency exists in the appropriation for this purpose as a result of the inadequacy of the appropriation for the last two years." 14 Ja 03, p.8

28

**Sentence. Execution**

- a **Or. Chamberlain.** "Within the past few years there have been a number of executions for murder in this state. These executions have taken place in the jail yards of the several counties, and of necessity have been more or less public. In two cases in Multnomah county, at least 400 invitations were issued to officials and others to witness the double execution of two notorious criminals, and applications were made for as many more. . . All executions should take place within the walls of the penitentiary, out of hearing and out of sight of all except officials, and the bodies of those executed ought to be forfeited to the state as well as their lives, buried within the prison precincts and not given to either relatives or friends to be publicly paraded and viewed by persons whose tastes incline to the morbid. . . " 14 Ja 03, p.22-23

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**Criminal jurisdiction**

- a **W. Va. White.** Jurisdiction of state courts in criminal matters. "On the 9th day of October 1901, the prosecuting attorney of Wood county notified me that one Ellis Glenn, charged with the crime of forgery, committed in Wood county, and tried on that charge in the Criminal Court of Wood county, at the May term thereof, had been released by the Circuit Court of the United States for the northern district of West Virginia, on habeas corpus proceedings instituted by herself. Her trial in the Criminal Court resulted in the jury being unable to agree, and the court, after the said jury had considered the case for two or three days, discharged said jury. The state, through the prosecuting attorney of Wood county, was a party to the habeas corpus proceedings, filing his answer to the petition for the writ and denying in said answer the jurisdiction of the said United States court in the matter, and also denying the validity of the point of law on which such proceedings were instituted. That point of law is that Ellis Glenn did not consent to the

discharge of the said jury, and that placing her on trial again would be putting her twice in jeopardy. . . The case is now in the United States Supreme Court, and the decision is shortly expected on the point raised. . . I feel that we can not surrender the right to try criminals in our own courts for violations of state laws."

14 Ja 03, p.25-27

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## Crimes and offenses

Penalties incidental to enforcement of statutes are not duplicated here, but references to them will be found in the subject index under Penalties.

- a Pa. Pennypacker. "The modern tendency to invent new crimes ought to be curbed. To obliterate the marked line which distinguishes between mere breaches of contract and crimes is to bring the law itself into disrepute. To threaten with imprisonment him who has filled a bottle intrusted to him, the contents of which he has bought, or him who sells a railroad ticket, the evidence of a right of transportation for which he has paid, is no doubt a convenience to corporations and others in enforcing their contracts, but it takes from the prison much of its effect as a restraint on those who do evil. Juries refuse to convict where they believe the charge ought not to be sustained, even though the facts come within the terms of a statute, and thus men are taught to disregard the law . . ."

20 Ja 03, p.2

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## Crimes against the government

- 18

### Anarchy

- a C. Chamberlain. " . . . If legislation can be devised that will provide needed protection to men in high official position, it is your plain and imperative duty to enact it." 7 Ja 03, p.5
- b N. M. Otero. "Since the last legislative Assembly adjourned, we about McKinley met his tragic death under circumstances which shocked the whole civilized world, and the enormity of the crime appalled the people of the United States, and the swift punishment which followed the assassin was no panacea for the crime. . . Such crimes are more than murder; they are not directed against the individual but against the office, and I would recommend that you pass a special act covering even an attempt of similar offenses, in the future." 19 Ja 03, p.3
- c W. Wells. " . . . Freedom of speech and of the press is a sacred principle, a bulwark of our institutions which none would be so foolish as to assail. Yet there is a plain broad line between liberty and license, which legislators and judges should be competent to define. I am of the opinion that unbridled exhortation to lawlessness and conspiracy is clearly outside the luminous boundary which encircles the right of free speech, and therefore

## CRIMINAL LAW CORRECTIONS

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should be the subject of quick and effective restraint. Not less impressed am I with the view that so atrocious a crime as conspiring to kill or attempting to kill the president or any official in the line of presidential succession should subject the guilty to condign punishment. It is the intent which constitutes the essence of the crime. . . "

13 Ja 03, p.5-6

152

**Flags: desecration of**

a Del. Hunn, 6 Ja 03, p.15

b N. M. Otero. "I would strongly and most earnestly recommend that you pass a law to be known as 'a flag law,' imposing a severe penalty and punishment for desecration of the American flag by using the same as advertisements or printing or stamping any words or figures thereon. . . "

19 Ja 03, p.51

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**Crimes against public order and security***See also* Public order, 870**162 Weapons**

a Ala. Jelks. Carrying concealed weapons. "The habit may be decreasing in Alabama. I have not seen the statistics of convictions. If decreasing at all, the reform has not been of such magnitude as to attract attention. The only fault I find with the law is in its execution. As we progressed in other respects, the thoughtful and law-abiding have looked forward to a day when the carrier of a deadly weapon would meet a public opinion ready to consign him to a year or more in the state penitentiary. As it is, if he has money, he can pay out in any county in the state except one. . . "

14 Ja 03, p.23

b Ind. Durbin. "... I am convinced that there is a need for legislation looking to the licensing of designated officers to carry revolvers and prohibiting the sale thereof to other persons. Highwaymen, footpads and burglars can freely purchase revolvers, and yet, by law, we make it a felony for them to carry the same. We must strike at the root of the evil and regulate the sale as well as the carrying of such weapons. . . "

8 Ja 03, p.30

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**Crimes against property****112 Burglary**

a Ind. Durbin. "... In some states burglary is made a capital crime. I suggest for your consideration, whether it ought not be so defined in Indiana. . . "

8 Ja 03, p.29

35

**Corrections***See also* State institutions, 60; Charities, 2140

a Ct. Chamberlain. "The following recommendations of the board [of charities] merit your serious consideration: 1st. That a system of suspended sentences with supervision by probation officers, be adopted for the treatment of juvenile offenders. 2d. That all the

county jails be brought under the control of a state commission of prisons. 3d. That a state reformatory be established for offenders between 16 and 30 years of age. 4th. That a system of district or county almshouses be legalized to take the place of the present town almshouses. 5th. That a new institution be established for the purpose of a state almshouse." 7 Ja 03, p.10

337 State boards

- a Cal. Pardee. "The present method of governing the state prisons, through a board of directors, who are appointed for long terms, has brought forth some good results, and the directors must be applauded for the improvements in discipline and the efforts toward the reformation of criminals which they have made. . . ." 7 Ja 03, p.13

340

Penal institutions

341

State prisons: government and maintenance

- a Ala. Jelks, 14 Ja 03, p.16-17; finances of convict department. Ark. Davis, 14 Ja 03, p.4-19; revision of law relating to penitentiary and purchase of convict farm. Cal. Gage, 5 Ja 03, p.48-49. Col. Orman, 10 Ja 03, p.31-34. Id. Morrison, 5 Ja 03, p.9-10. Ill. Yates, 7 Ja 03, p.18. Kan. Bailey, 13 Ja 03, p.8-9. La. Heard, 12 My 02, p.37-41. Me. Hill, 8 Ja 03, p.23-24. Minn. Van Sant, 7 Ja 03, p.7-8. Neb. Mickey, 6 Ja 03, p.48. N. Y. Odell, 7 Ja 03, p.33. Or. Geer, 10 Ja 03, p.16-17. Tenn. McMillin, 12 Ja 03, p.8-10. Tex. Sayers, 16 Ja 03, p.19-22. U. Wells, 13 Ja 03, p.29-30. Vt. Stickney, 2 O 02, p.12-13. W. Va. White, 14 Ja 03, p.49-52. Wy. Richards, 13 Ja 03, p.7-8.

- ai Ari. Brodie. "I desire also to call your attention to the congragate plan by which persons of all degrees of criminality, old and young, first offenders and hardened criminals, are mingled, and which is the only possible plan to follow at our territorial prison as constructed at the present time. This exercises a disastrous influence against the success of reformatory measures."

19 Ja 03, p.18

- b Ark. Davis. " . . . The penitentiary management should be placed in the hands of a board of business men, to be appointed by the governor, one from each congressional district, subject to the approval and confirmation of the members of the House and Senate comprising that congressional district. . . I do not now refer to the state officials, but I say that round the city of Little Rock there is a crowd of leeches and bloodsuckers that are trying to build up a penitentiary dynasty and political penitentiary ring, the object and purpose of which is to control the politics of Arkansas, and incidentally loot the state treasury while doing it. . . "

14 Ja 03, p.6-8

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- c **Kan.** Bailey. "There are 1069 prisoners in the penitentiary, of whom 276 are from Oklahoma. I question the wisdom of Kansas longer assuming the responsibility of taking care of Oklahoma's prisoners, and recommend that Oklahoma be asked to relieve us of this charge as soon as she can do so." 13 Ja 03, p.9
- d **N. C.** Aycock. "It is gratifying to be able to report to your honorable body that the penitentiary is self-sustaining and will need no appropriation. . . ." 7 Ja 03, p.29
- e **Okl.** Ferguson. ". . . There were 287 Oklahoma prisoners confined in the Kansas penitentiary during the last week of the year 1902. Under the contract existing between Oklahoma and the state of Kansas, the territory pays 35 cents per day for the care of each of these prisoners. . . ." 13 Ja 03, p.14

343 **Reform schools and reformatories**

- a **Cal.** Pardee. ". . . The congregate plan, by which persons of all degrees of criminality, old and young, first offenders and hardened veterans, are mingled, is still pursued. There can be no doubt that this exercises a disastrous influence against the success of reformative measures. . . I . . . bespeak a careful consideration of any proposals intended to accomplish this which may be brought before the Legislature. One such proposal will be for the establishment, in a few of the larger cities, of special courts for the trial of juvenile delinquents, and the separate confinement of youthful and first offenders, so that they may not be hardened in crime by enforced association with those who are incapable of reform."

7 Ja 03, p.13-14

345 **Institutions for women and girls**

- a **Ala.** Jelks, 14 Ja 03, p.11. **Col.** Orman, 10 Ja 03, p.43-46; **State** Industrial School for Girls. **Me.** Hill, 8 Ja 03, p.25. **W. Va.** White, 14 Ja 03, p.48-49.
- b **Ind.** Durbin. "There is a decided sentiment favorable to the separation of the Woman's Prison from the Industrial School for Girls. I recommend that a woman's prison be established at Michigan City, separate and apart in every particular from the Indiana Prison now located in that city, except that it be under the management of the Board of Control of the Indiana Prison, but in charge of a matron. . . ." 8 Ja 03, p.34
- c **Mich.** Bliss. "I renew my recommendation of two years ago that the state provide a prison for women convicts. It is not proper or necessary that the state should keep such prisoners in a private institution. There is need of a prison or reformatory for the care of the incorrigibles, whose presence in the Industrial Home for Girls exerts an injurious influence on others not so far advanced in the ways of wickedness. . . ." 8 Ja 03, p.14



- d **N. Y. Odell.** "There are three asylums for the reformation of girls and women; one at Bedford, one at Hudson and the other at Albion. The present population of these three institutions could be easily taken care of at Hudson and Albion. . . " 7 Ja 03, p.20-21

346 **Reform schools**

- a **Ark. Brodie,** 19 Ja 03, p.18-19; new state reform school at Benson. **Cal. Gage,** 5 Ja 03, p.49. **Col. Orman,** 10 Ja 03, p.41-43. **Ill. Yates,** 7 Ja 03, p.34; home for delinquent boys. **Me. Hill,** 8 Ja 03, p.24-25. **N. M. Otero,** 19 Ja 03, p.52-53; establishment of reform school recommended. **Or. Chamberlain,** 14 Ja 03, p.34; support of inmates by relatives. **U. Wells,** 13 Ja 03, p.25-26. **Vt. Stickney,** 2 O 02, p.11-12. **W. Va. White,** 14 Ja 03, p.47-48.
- b **Ark. Davis.** "I earnestly request that you formulate some bill that will provide a place for the confinement, together with useful and profitable employment for the juvenile criminal offenders of this state. I asked this in my message to the last General Assembly and I insist on it now. I do not think that any white boy (if a distinction could be made) under the age of 18 should be confined in the penitentiary with hardened criminals. . . " 14 Ja 03, p.27
- c **Ga. Candler.** "The want of a reform school for juvenile offenders, in which they can be not only educated but reformed, is urgent . . . " 22 O 02, p.14
- d **N. Y. Odell.** "At the last session of the Legislature a commission was authorized and empowered to select a new site for the State Industrial School at Rochester, where farming could be engaged in and the inmates given a more wholesome life than is possible under the present arrangement. This commission will shortly submit its report to the Legislature. . . " 7 Ja 03, p.2

117 **State reformatories**

- a **Col. Orman,** 10 Ja 03, p.34-35. **Ind. Durbin,** 8 Ja 03, p.35. **Tex. Myers,** 10 Ja 03, p.22.
- b **Mich. Bliss.** ". . . As protection of the public is paramount to the punishment of the criminal, so is the subject of reformatory superior to that of punishment, and in imprisoning criminals the state should prevent as far as possible the contamination of one by another criminal of a more hardened class. . . As at present constituted, the penal institutions stand practically on the same basis and do not follow a proper classification. To secure this result provision should be made for the sentencing and confinement of first offenders, as recommended, in an institution where they will not come in contact with confirmed and vicious criminals and where reformatory methods can be applied. . . " 8 Ja 03, p.12-1
- c **N. Y. Odell.** "The Elmira Reformatory is overcrowded, and perhaps some measure should be taken to enlarge its capacity. Th

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first change, however, which should be made should be to prohibit its use by the United States government, thus relieving the prison to a certain extent from overcrowding." 7 Ja 03, p.21

- d **N. C. Aycock.** "... There are not, as a matter of fact, many youthful criminals in the jails or the penitentiary, but this is due to the disinclination of the judges to confine them with older criminals. These boys are, therefore, turned loose on the community, to renew their depredations and to grow up criminals. The work of reformatories in other states has produced excellent results, and I hope you may see your way clear to make a beginning in the discharge of our duty to the young criminals, who by your action may be saved and made useful men." 7 Ja 03, p.46

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## Local institutions

## p9 County and township jails and workhouses

- a **Ala. Jelks.** "The state paid out the last fiscal year \$97,564.60 for feeding prisoners in the county jails. . . You will be called on to increase the appropriation. This disbursement would be something less but for some special statutes which allow the court in one or more counties to sentence a man to jail rather than to hard labor. . . . If you should not see fit to repeal the act altogether, you might so amend it that the county will have the burden of its enforcement." 14 Ja 03, p.17-18
- b **Ind. Durbin.** "In some of the county jails in Indiana there is little or no sex separation, nor is there an attempt at classification of prisoners according to their respective crimes. Many of the jails are uncleanly, foul smelling and poorly situated. Some of them are schools in which the more experienced and expert in crime educate those who lack criminal knowledge. It is not the fault of the officers, but rather the fault of the law. . . ." 8 Ja 03, p.33

## 352 Convicts (commitment, management)

## 353 Commitment. Discipline. Transportation

- a **Mon. Toole,** 5 Ja 03, p.15-16; expense of transporting prisoners.  
**Tex. Sayers,** 16 Ja 03, p.22. **U. Wells,** 13 Ja 03, p.48-49.
- b **Or. Chamberlain.** "Former executives have recommended the advisability of legislative action on the subject of the conduct of prisoners from the place of trial and conviction to the penitentiary. . . . This work is now done by the sheriffs of the several counties . . . A material saving can be made to the state, if instead of the present method, an act is passed, requiring the performance of this service by the superintendent of the penitentiary, or some of his subordinates, who shall only recover from the state the amount

of actual expenses incurred, on claims properly verified, presented to, and audited by the secretary of state. Such course will, besides, provide a uniform course to be pursued by all of the counties, and the work will be done by men trained in dealing with criminals and the criminal classes." 14 Ja 03, p.19-20

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**Convict labor**

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**General. State account system**

- a Ind. Durbin, 8 Ja 03, p.17-21; report from Board of State Charities on convict labor.
- b Ari. Brodie. " . . . At the prison there will be work for the convicts for a period of one or two years, after which time other work will have to be found for them, as constant employment is not only for the benefit of their health but is also conducive to good discipline. I recommend this subject of future employment of convicts to your careful consideration." 19 Ja 03, p.18
- c Col. Orman. "Probably the most vexatious question confronting the management of the penitentiary is that of giving the convicts employment. . . It is imperative that the prisoners be employed, and profitably employed; that is, it should be something that the prisoner could see growing and developing; something that increases in value under his workmanship. . . Our prisoners have heretofore been largely employed in the manufacture of lime and brick, but a ban was placed on the brick, and that avenue of employment is now gone. The lime business was fairly prosperous, but the quarries have been practically exhausted, so that, if this work is to be continued, new quarries will have to be purchased. It has been suggested that they might be profitably employed in coal mining on state land; but, indeed, if this was done, the only sale of the product of the mines that could be made would be to state institutions, and the cost of producing such a small amount of coal as would be required would make it cost more than it is worth. . . I am of the opinion that if a branch prison was located on a large farm, in one of our agricultural valleys, that it could be conducted in such a way as to balance accounts at the end of the year, or at least if there was a deficit it would be small. Farming appears to be about the only remedy available, unless some way can be devised to give them employment inside of the prison walls, which will not come in conflict with free labor. . . " 10 Ja 03, p.32-3
- d Col. Peabody. "My personal and intimate knowledge of the affairs and present conditions at the State Penitentiary impel me to suggest a possible remedy for the evil of keeping the convicts there confined, in enforced idleness. The experiment of employing convicts in the raising of farm products during the past few years

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has not proved successful from any point of view, for reasons unnecessary to state. The prevailing sentiment against convict-made goods and material renders it impossible to utilize the convicts in these branches of work, while every consideration of humanity demands that these unfortunates be given steady employment of some kind. . . The labor necessary for the completion of the canal and the construction of the reservoirs, could be supplied from the convicts in the State Penitentiary, this affording steady and healthful employment to these unfortunate beings, and ultimately furnishing the state with a site for the establishment of a convict farm, where the labor of the convicts could be made profitable, would be permanent, and eventually the State Penitentiary might become self-sustaining."

13 Ja 03, p.95-97

- e Del. Hunn. " . . . Hitherto imprisonment in this state has been synonymous with absolute idleness, a condition at once an expense to the taxpayer and a source of further deterioration to the convict. . . I strongly urge on the Legislature the erection of a workhouse as a state institution for the employment of long term convicts where they can be the most profitably employed; or, if more feasible, the purchase by the state of the grounds and buildings of the New Castle County Workhouse now in operation in that county. . . "

6 Ja 03, p.17

- f Ill. Yates. " . . . The competition of convict labor with free labor should not exist. I am in favor of altogether abolishing such competition, and I have reason to hope for a satisfactory solution before the adjournment of the present General Assembly. . . "

7 Ja 03, p.28

- g La. Heard. " . . . In pursuance of the mandate of act 70 of 1900, the state took charge of the prisoners on Jan. 1, 1901, after 33 years of the lease system. . . The experience of recent years in those southern states which have been endeavoring to solve the problem of complete state control without any vestige of the lease system has demonstrated that a very large percentage of the prison population can be most profitably employed in agricultural work, and that this work can be conducted on lines entirely consistent with humane treatment, and reformatory principles. So it was determined to cast the new system largely on that basis, still retaining a portion of the forces physically adapted to the work on the levees. The plantations purchased are in the most fertile sections of the state, and the buildings and equipments have been of as permanent and substantial a nature as the means at command would permit. . . "

12 My 02, p.37-38

- 1 Mass. Bates. " In 1896 an act was passed to authorize the governor and Council to take waste or unused land for the purpose of

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reclaiming and improving it by the labor of prisoners. . . In 1899 a small appropriation was made to carry this act into effect, but no action was taken, and the appropriation has now lapsed. . . If this experiment were made in the limited way contemplated by the law, it might develop an industry that would supply steady and laborious occupation for able-bodied prisoners who can not otherwise be given suitable work. . . "

8 Ja 03, p.19-20

- i **Neb. Savage.** "The penitentiary should and can be made self-supporting. Instead of dealing with contractors, the state should itself employ the labor of convicts in the manufacture of clothing, boots and shoes and other materials for the various institutions. . . "

6 Ja 03, p.7

- j **Or. Geer.** Northwestern Stove Foundry. "Under the reorganized contract with the Lowenberg & Going Co., the payments for convict labor continue to be promptly made each month when due. . . The receipts for convict labor have amounted approximately to \$24,000 during the past two years, or an average of \$1000 per month. In addition to this the state receives the sum of \$2000 per annum for the rent of the foundry plant."

10 Ja 03, p.23

- l **Tex. Lanham.** "The hiring of convicts to private contractors, to be worked outside the penitentiary walls, has been long reprobated, and our state officials under different administrations have expressed their dissatisfaction with and declared their objections to the continuance of such a practice. The only assignable reason why it has not long since been abandoned is the fact that a financial profit has resulted from its operations. . . It is gratifying to believe that we are rapidly approaching the time when additional convict labor can be expended on our state farms which have been enlarged by recent investments, and which may perhaps be still further expanded to the advantage of the state, and that short term convicts, not needed for the state industries indicated, can be utilized for the improvement of our common roads. . . "

21 Ja 03, House Journal, 124

- m **Wis. La Follette.** "The subject of prison labor continues to present an unsolved problem. The contract under which the labor of the prisoners at Waupun was employed expired Dec. 31, 1902. The Board of Control, in view of the apparent conflict between public sentiment and public interest, has deferred action in the matter of new contracts, pending some determination of policy with legislative authority. It is essential for their own welfare that prisoners shall be employed. It is equally important that they employed in some line of industry which will equip them to earn livelihood in that employment when discharged from prison. Whatever they do in this line of work while in prison will

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course, be in competition with those who are employed outside. To limit the prisoner to labor which does not compete with an outside employment is to teach him a kind of work in which he can find no service at the end of his term of imprisonment. Experience has shown that they can be employed with best results to all concerned under contract; and, while it logically follows that by this means wage-earners are brought most directly into competition with prison labor, it seems unreasonable to assume that the labor of a number of men scarcely sufficient to equip one ordinary factory, can exercise much influence on either the wages of workmen or the price of products under existing conditions. At present prisoners are employed by the former contractors under temporary arrangements pending legislative action. In the absence of such action it is probable that the Board of Control will enter into new contracts under the most favorable terms and conditions possible. . . ."

15 Ja 03, p.78-79

- k **Tex.** Sayers. "The objections to the employment of convicts on the share farms and to their hire are many and well grounded, and the policy can only be tolerated because of the inability of the penitentiaries to afford room and employment to the entire convict population. It may be said with entire truth that their condition during the present administration has been much improved. . . . But despite all these precautions, it can not be denied that there have been cases of bad usage which have never come to the knowledge of the penitentiary authorities, and so long as the system of maintaining convicts in temporary quarters and separate bodies shall continue, it will be impossible to insure their proper treatment at all times . . . I approved the purchase, during the years 1899-1900, of 8212 acres of land in Brazoria county, well located on the Brazos river, and of great fertility. . . . If properly managed this property is destined to become a model convict farm, the operation of which will be conducted without expense to the treasury, and where the convict can receive all the consideration that humanity can dictate."

16 Ja 03, p.21

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**Contract and lease system**

- a **Ark.** Davis, 14 Ja 03, p.34-37; revocation of certain contracts. **Or.** Chamberlain, 14 Ja 03, p.34, 41-42. **Tenn.** McMillin, 12 Ja 03, p.8; penitentiary contracts.
- b **Ala.** Jelks. "There are now engaged for the state on its farms and leased to contractors 1878 state prisoners. There are in various camps leased under contract for counties 870 misdemeanants, or what is known as county convicts. The state has direct supervision and control of what is known as state convicts, but the department can only interfere with the hire of county convicts to

the extent, through the governor, of abrogating the contract on a showing that they are not fairly treated by the lessee. When such contract is abrogated, the counties are suffered to take them again and release them. The state can abrogate but it is powerless to otherwise interfere. The felony man has the state's constant care. The inspectors visit the various camps monthly, and, if they find men unfitted to do the special work assigned, they are sent to other and more wholesome occupations, and, if unable to work at all, are carried to the walls at Wetumpka, where the state's hospital is. But a county convict or a man who is merely a misdemeanor has no such overshadowing care and attention. If he falls into a place which his constitution can stand, it is well; if he should happen to be sent out to labor on a work which he is wholly unfitted to perform, he may live—or die. Death comes to many of them. The greater number work in the mines with the Tennessee or the Slope people. They come from jails in which they perhaps have been locked up with 50 and even 75 men in one cage. They can live in these places a few months. If they reach the mines, they are frequently far gone in some chronic disease, and may die before they take up pick or shovel. . . I hope . . . you may undertake to furnish radical relief. There is a partial remedy which is a simple one. Pass an act requiring the approval by the head of the Convict Department of every contract for the hire of county convicts. . . It would make the department practically the hirer of county as well as state convicts. . . "

14 Ja 03, p.15-16

- c Or. Chamberlain. "The state now has a contract . . . for the labor of 100 convicts. These prisoners are engaged in the manufacture of stoves. . . Steps should be taken now looking to the employment of convict labor, when this contract expires, so that it will not come in competition with free labor."

14 Ja 03, p.3

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#### County and municipal convicts

- a Ga. Candler. Misdemeanor convicts. " . . . The law as originally enacted contemplated only the establishment by counties of county chain gangs, to be worked by the county for the county. But by an unwarranted stretch of the law other chain gangs authorized by county authorities, and nominally under their control, but worked not by the county nor for the benefit of the county, but by private individuals or companies for personal gain, have been established in quite a number of counties, sometimes two or three in the same county. . . It is alleged that in some of these camps convicts have been overworked, poorly fed and inadequately clothed, and that the punishment inflicted on them has sometimes been cruel and in one instance that has come to my knowledge even brutal. . . . To remedy these evils three things are in my opinion necessary:

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sary: 1st. The law should be amended so as to legalize private chain gangs, expressly authorizing the hiring of misdemeanor convicts to private parties as well as to counties, towns and cities. 2d. All convicts, misdemeanor as well as felony convicts, except those worked by counties according to law, should be put under the immediate and direct control of the State Prison Commission, who should prescribe and enforce the same rules and regulations for the working and management of all classes, and be allowed to employ and discharge all guards and physicians, whipping bosses and overseers, and to employ a sufficient number of prudent, humane wardens to visit at least once a month, and oftener if necessary, every camp in the state, and see that the rules of the commission are properly observed and the convicts humanely treated. 3d. The fee system should be abolished and all money derived from the hire of misdemeanor convicts should be paid into the county treasury, and all county judges and all solicitors should be paid salaries out of the county treasury. None of them should be dependent on fees. Thus the temptation to institute frivolous prosecutions and to impose heavy fines and exact exorbitant costs in trivial cases would be removed, and there would be no ground to charge that any county court is run in the interest of the proprietors of private chain gangs." 22 O 02, p.9-11

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## Roads

- a Or. Chamberlain. "For a number of years certain of the states have employed a part of their convict labor in various processes of highway improvement. The advantages have been so gratifying that the practice is extending and other states are preparing to adopt this policy. . . I would suggest that at the present session the necessary steps be taken to secure comprehensive data on this subject, which shall be embodied in a report to the next Legislature as a basis for enactment which shall be adapted to the conditions and needs of our state." 14 Ja 03, p.41-42

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## Special industries

- a Minn. Van Sant. Binding twine plant. " . . . The showing for 1902 gives better results than the preceding season. Amount manufactured, 5,500,000 pounds. The twine was sold at 2¼c per pound cheaper than twine sold by jobbers. This will prove an actual saving of \$125,000 to the farmers of Minnesota who purchased twine the present season, and if you consider the reduced price, at least 1c per pound of all twine sold in the state, some 18,000,000 pounds, caused by competition with prison twine, there is a further saving of \$180,000, or a total for the year of \$305,000. . . "

7 Ja 03, p.7



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**Criminal insane**

- a Ind. Durbin, 8 Ja 03, p.14.
- b Col. Orman. "A constant source of difficulty is the care of the insane convicts. As has been customary in the past, they have been transferred to the insane asylum at Pueblo, when room was available, but the crowded condition of that institution has made it impossible to transfer the number desired. But this is hardly right. The convict insane should not be allowed to mingle with the noncriminal insane. By the expenditure of a small sum of money, a place could be provided at the penitentiary for insane convicts, where they could be placed under the care of the prison physician, where they would receive the proper attention."

10 Ja 03, p.32

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**System of sentencing and reform. Parole.  
Pardon**

- b W. Va. White. "The warden [of the State Penitentiary] recommends certain needed legislation. He rightfully argues that our good time law should be in harmony with the federal good time law, and should apply to all prisoners, and not exclude those sentenced for less than two years. He also recommends a parole and an indeterminate sentence law. . . I would recommend that a law governing the granting of parole pardons be passed similar to that of the state of Michigan. This authorizes the governor to issue a parole or permit to go at large to convicts who shall be recommended to him for that purpose by the Board of Directors and warden of the penitentiary. . . The warden also recommends measure providing for the organization of a state prison aid association, similar to those provided for in many states. . . "

14 Ja 03, p.52-5

365 **Capital punishment**

- a Neb. Savage. "Some years ago Nebraska, in pursuance of policy adopted by organized society in several other states, enacted a law authorizing the imposition of the death penalty on conviction of murder in the first degree. . . In this our day of boastful enlightenment, we find employed in the administration of justice instruments which in the darkest ages represented the most vicious form of punishment human savagery and barbarism was able to conceive. . . Capital offenses are committed as frequently in states where capital punishment is in vogue as where it is not. In order that your honorable body might have an opportunity to deliberate on this subject, with a view to extinguishing this provision of the penal statute, I granted a reprieve to one William Rhea, under the

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tence of death for the crime of murder, staying execution till the second Friday in July 1903. . . I would recommend that your honorable body place Nebraska among states representing the highest type of civilization and the teachings of the meek and lowly Nazarene."

6 Ja 03, p.32-33

## o Indeterminate sentence

a **Mass.** Bates. "The law providing for indeterminate sentences at the Massachusetts Reformatory has been beneficial in its results. . . . This system should be tried at the Reformatory Prison for Women at Sherborn. . . ."

8 Ja 03, p.20

b **Mich.** Bliss. "The last Legislature in its wisdom saw fit to make provision for the submission of an amendment to the Constitution permitting indeterminate sentences. This amendment was adopted by a vote so large as to indicate unqualified approval, and legislative action is now necessary to give effect to the will of the people. I recommend that the act apply in all offenses other than those in which life sentences are imposed; in general, provision being made that the court shall not fix a definite term, but shall establish a maximum and a minimum according to the term fixed by law for the punishment of the offense in question; that the benefits of this law shall apply to all sentenced through oversight or otherwise to a definite term other than life; that precise statement be made as to the authority of trial judges to impose indeterminate sentences when the offense charged occurred prior to the time the proposed law becomes operative; also, that convicts sentenced to other than life imprisonment may be eligible to parole as soon as they shall have completed serving the minimum term imposed by the trial court, this eligibility being determined under rules established by executive authority."

8 Ja 03, p.14

## 371 Juvenile offenders

*See also* Dependent and neglected children, 2172

a **Wy.** Richards, 13 Ja 03, p.8-9.

b **Col.** Orman. " . . . I desire to call attention to the report of the juvenile division of the County Court of Denver. . . While we have no juvenile law on our statute books, the judge of the County Court has, through the cooperation of the district attorney, and a liberal construction of the present law, been able to accomplish about all the results that would have obtained through the operations of a special juvenile law. However, there is no reason why we should further delay its enactment, and specially now that we have before us an example of what the practical workings of such a law would be were it in active operation throughout the whole state. . . ."

10 Ja 03, p.42

c **Col.** Peabody. " . . . As an illustration of the practical results accomplished for the taxpayer, it may be stated that the cost of

trial, conviction and maintenance at Golden or Buena Vista average juvenile criminals, as shown by the records of Ara county, is \$227.92. During 18 months 454 juvenile delinquents: tried in the County Court and put on probation, at an average expense of \$11.89, resulting in a saving to the county and state of \$88,827.68. In addition to this, these juvenile delinquents, scarcely an exception, have been turned into the right path and give every indication of becoming upright, honorable citizens

13 Ja 03,

d **Ind. Durbin.** "A children's court has been, in a measure, established by the police judge of Indianapolis, and the results are satisfactory. There is, however, no specific law on the subject. Provision should be made by law for the establishment of juvenile courts in the larger cities of the state. . . " 8 Ja 03;

e **Mo. Dockery.** "The State Board of Charities and Corrections recommends the creation of a juvenile court, applicable to the larger cities of the state. I can not too strongly indorse the enactment of such legislation. . . " 8 Ja 03.

f **Okl. Ferguson.** "The territory has never been able to make a contract with any institution for the confinement and care of youthful violators of the law, although requests come frequently from the territory to take charge of incorrigible young persons who cannot be controlled by parents. Again, under the laws of the territory, the courts can sentence youthful offenders to the penitentiary, where crime charged is sufficient to warrant such punishment. The several very young boys now in the Kansas penitentiary, who have been sent there from Oklahoma. . . " 13 Ja 03.

g **Wis. La Follette.** " . . . The need of such [juvenile] courts in Milwaukee, and possibly in some of the other large cities of the state, has been made apparent through the work of worthy organizations designed to save or reclaim homeless or ill cared for children from the paths of vice and crime. . . " 15 Ja 03.

### 372 Parole

a **Vt. Stickney,** 2 O 02, p.13-15.

b **Kan. Bailey:** "The defect . . . in the present system of granting paroles in this state is, in my judgment, the lack of an equitable adjustment of the method through which it is put in operation should be based on a merit system. The parole should come from a list of eligibles, on grades which the prisoner attains through his own efforts. . . " 13 Ja 03.

### 373 Pardons

a **Cal. Gage,** 5 Ja 03; p.24-26. **Col. Orman,** 10 Ja 03, p.52-53; **Board of Pardons. Mon. Toole,** 5 Ja 03, p.25. **N. C. Aycocle,** 03. p.36-37. **Okl. Ferguson,** 13 Ja 03, p.21-22. **Wy. Richar,** Ja 03, p.22.

## CRIMINAL LAW CORRECTIONS

- b **Col. Peabody.** "Under the Constitution the executive is vested with the power of granting pardons, and must, necessarily, assume all final responsibility for the exercise of this power. The Board of Pardons, as constituted, is simply advisory to the executive, who is, *ex officio*, a member and president of the board, and is, necessarily, in attendance at all meetings of the board, hears the testimony and arguments in behalf of the petitioner, participates in the discussions of the board, receives and considers the recommendations of the board, and finally decides the matter. From the foregoing it will be seen that the duties imposed on the executive by the existing law increase, rather than diminish, the burdens resting on him, and, as he is the final arbiter, the responsibility of final action is his. What has been said is without any intention of reflecting on the efficiency, disinterested devotion to duty and patriotism of the present or previous boards, but simply to call attention to the law as it exists, with the recommendation that the Board of Pardons be either given final authority in the matter of pardons; that its conclusions be made binding upon the executive, and that it be charged with full responsibility, or that the existing law be repealed. In my judgment, the mere fact of the existence of a Board of Pardons is an invitation to those confined in penal institutions to make frequent applications for pardon, which are wholly without merit, with a resultant unrest on the part of the applicants, which is highly detrimental to that strict discipline so absolutely necessary in almost all such institutions. I am also persuaded that the indeterminate sentence law has failed of accomplishing any good results, and that a return to the old system would be desirable. If the criminal classes can be made to know that conviction, sentence and punishment are sure, speedy and certain, without hope of pardon, reprieve, commutation of sentence, or parole, except in clearly meritorious cases, a large falling off in crimes of all descriptions would be immediately noticeable." 13 Ja 03, p.92-93
- c **Ill. Yates.** "The wisdom of the establishment of the Board of Pardons has passed beyond the experimental stage. The careful investigation of every application for pardon or commutation which is made by the board, has added great strength to the administration of the criminal laws of the state. . . ." 7 Ja 03, p.17
- d **Ind. Durbin.** " . . . The work of requiring the rules of executive practice to be complied with, examining the cases, hearing evidence, if necessary, and listening to appeals in behalf of those who apply for clemency, is of necessity very burdensome on the governor, and the results are unsatisfactory. . . I recommend that a board, to be known as a parole or pardon board, should be created by law with power to examine each case wherein application is made for

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clemency and to report to the governor the results of such examination, together with any recommendations they may have. . . Fully one third of the time of the executive is taken up in the details of application for paroles and pardons." 8 Ja 03, p.31

- e **Neb. Mickey.** " . . . I believe that the public good would be greatly enhanced by the creation of an advisory board of pardons to which should be referred all applications for relief from punishment for penal offenses and matters pertaining thereto. Such board should be authorized to hear and weigh all evidence on which the application for pardon is predicated and within a reasonable time to report its findings to the governor with a recommendation for or against the exercise of executive clemency, as each individual case may seem to require. . . " 6 Ja 03, p.45-46

- f **Vt. Stickney.** "The governor, having doubts as to the constitutionality of those sections of the statutes, viz: § 5306-9 of the Vermont Statutes, and no. 126 of the acts of 1898 and no. 104 of the acts of 1900, which in terms undertake to regulate the exercise of the pardoning power, and confer some portion of that power on a board of prison commissioners, and impose on the governor in connection therewith the duty of issuing warrants for the recommitment of convicts who may have violated the conditions of their discharges, and under the leave granted to him in § 1006 of the Vermont Statutes, required of the judges of the Supreme Court their opinion in writing on the questions of law connected with the discharge of his duties arising under the statutes above stated . . . In disposing of the questions the judges used the following language: 'The power to grant pardons is given to the executive by the constitution in unrestricted terms, except in cases of treason, murder and impeachment; and that such general power includes the authority to grant all kinds of pardon known to the common law, is well settled. The grant may be for a full, partial, absolute, or conditional pardon, provided the condition be not illegal, immoral, or impossible to perform. This power can neither be restricted nor taken away by legislative action. Nor can a like power be given by the Legislature to any other officer or authority.'" 2 O 02, p.13-15

- g **W. Va. White.** " . . . If the Legislature should pass a parole law as recommended by me, I would suggest that the law constituting the Pardon Board be amended so as to have one member of the board a permanent salaried officer with headquarters at the capitol, who should be known as the pardon clerk. . . He should call into consultation with himself the associate members, one of whom I think should be the attorney general of the state, and the other should be a person appointed by the governor. . . The governor should be authorized to formulate rules by which the Pardon Board should be governed in the preparation of cases, and no (

## CIVIL LAW PROPERTY

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involving a prisoner of the penitentiary should be passed on without full information from the warden and from the physician and other officers at the penitentiary, as needed. . . The pardon clerk should be appointed by the governor, and also the advisory member of the board." 14 Ja 03, p.53-54

## 374 Probation

- a **Mich. Bliss.** "The average first offender is one having very few, if any criminal associations. Unless the offense with the commission of which he stands charged is a serious one, better results are obtained through releasing him on probation. At the very best, imprisonment is a mark which can never be effaced, and to a greater or less degree is a handicap. . . Should the probation system be adopted in this state, in order to prevent the creation of a large number of official positions, I suggest it may be wise to place the probationers under the supervision of the county agents of the State Board of Corrections and Charities, whose compensation should be on a sliding scale, according to population."

8 Ja 03, p.13-14

- b **Or. Chamberlain.** " . . . I earnestly recommend some legislation looking to the enlargement of the jurisdiction and power of the Circuit Courts with reference to youths between the ages of 16 and 21. They need not be committed necessarily to the Reform School. Suspension of judgment and a system of parole, in my opinion, would meet the requirement and result in the restoring to citizenship of persons who under the present limited power of the courts are converted into confirmed criminals." 14 Ja 03, p.22

375

## CIVIL LAW

Civil Code and Code of Civil Procedure

377

## Property

*See also* Family property

379

## Real property

380

## Land tenure

386

## Property lines

## 387 Fences. Lawful fences

- a **S. C. Heyward,** 21 Ja 03, p.12.

392

## Conveyance

*See also* Family property, 490

396

## Record

## 398 Torrens system

- a **Mon. Toole,** 5 Ja 03, p.10; special investigating commission.
- b **Col. Orman.** Torrens system of registering title to land. " . . . While this system is practically new in the United States, those

states which have adopted it are so emphatic as to its many virtues over the old system, we should have no hesitancy whatever in giving it our approval. Whatever tends to simplify, make safe and add to public convenience is what we desire in our laws, and that is what the Torrens system does. With that system in operation, when a party has secured his title, he is secure in his possessions. It effectively settles titles and simplifies transfer, doing away with the records and abstracts of the old system, thus removing a burden from owners of real estate, and effects a great saving in the expense of having abstracts examined and continued every time a transfer is made. . . I feel sure you will take favorable action on the subject when you have thoroughly investigated it." 10 Ja 03, p.64-65

- c **Neb. Savage.** "I submit to you for your respectful consideration the report of the commission appointed to investigate into the workings of the Torrens system of land titles with a view to formulating a title system more simple and perfect than now exists. The report is voluminous and undertakes to deal with the subject in detail, but a casual reading of it does not justify me in my own mind in recommending the adoption of the Torrens system. . . "

6 Ja 03, p.1

426

## Administration of estates

*See also Inheritance taxes, 836*

- a **Ct. Chamberlain.** "The excessive expense for probation and administration of small estates should be corrected." 7 Ja 03, p.1

428

## Probate procedure

429

### General and miscellaneous

- a **Col. Orman.** "The County Judges Association has spent much painstaking labor in revising the present probate laws of this state, and I believe the result they have attained will prove to be a welcome addition to our probate laws. . . I take pleasure in commending the work of this committee to you. . . " 10 Ja 03, p.67
- b **Col. Peabody.** "The County Judges Association has . . . prepared, and will submit for your consideration, a compilation or revision of the probate and kindred laws of the state, which is an effort to harmonize, simplify and codify all laws relating to the subject of estates of every description, without material changes in the existing laws on these subjects. . . " 13 Ja 03, p.105

468

## Torts

472

### Libel. Slander

- a **Cal. Gage.** "Our laws, both civil and penal, are numerous and stringent for our physical protection against death, illegal restraint, and bodily injury. Yet, strangely, the greatest of our constitutional rights, that which we most prize, which alone makes life worth the

living, on which depends the right of enjoying life and liberty and of pursuing happiness (art. 1, § 1, Constitution of California)—the right to be preserved in that good reputation and character which we labor and struggle to earn and leave as a heritage to our children . . . this supreme right is less fortified in law than our most trivial rights of property. . . Unhappily, a few glaring instances are to be seen of newspapers conducted by morally irresponsible corporations and certain millionaires which represent, in fact, not the pure and free voice of public opinion, but the business and political interests of the owners, who use them as a means for the attainment of their own ambitions and the expression of their private hates and prejudices. Capable of misrepresenting public as well as private interests, when they can not dictate to public officers in the performance of their sworn duties, they do not hesitate to resort to vilification. . . If timorous or pliant men should, under the present imperfect laws, chance to be elected to public office, it may well be foreseen that such officers may become the mere toys or tools of these ambitious publishers. . . It is time to place a public barrier against newspaper intimidation of private citizens, legislators, and other public officers, and to demonstrate that our state government must not be conducted by and for a few newspapers, but by and for the people. If individual reputations may be torn to shreds at the sport or malignant will of a libeler who stands intrenched behind his money bags, yet public officers ought at least to be permitted to conduct official duties without interference and vilification. At least for the present, as a remedy against wanton and libelous assaults on the reputation of private individuals and public officers, respect for law and decency may possibly be enforced by making the 'crime of libel a felony, with a maximum penalty of 25 years' imprisonment in the state prison and a minimum imprisonment therein of one year. . . I recommend a constitutional amendment changing § 9 of art. 1 of the Constitution, whereby this legal anomaly of now permitting the libeler to submit the law for the determination of the jury be abolished, and the court be given the power to determine the law as in other cases."

5 Ja 03, p.20-24

- b Pa. Pennypacker. "Experience has shown that men are neither strong enough nor virtuous enough to be intrusted for any length of time with unlimited and irresponsible power. . . The doctrine of the liberty of the press, conceived at a time when it was necessary to disclose the movements of arbitrary power, has become in recent days too often a cover for base and ignoble purposes, and, like the sanctuaries of old, a place of retreat where any wrongdoer may secure immunity from punishment. Sensational journals have



arisen all over the land, the owners in concealment and the writers and purveyors undesignated, and they have thriven by propagating crime and disseminating falsehood and scandal, by promulgating dissension and anarchy, by attacks on individuals and by assaults on government and the agencies of the people. They are a terror to the household, a detriment to the public service and an impediment to the courts of justice. . . I suggest for the consideration of the Legislature whether or not it would be well to extend to such cases the law of negligence as developed by the decisions of our courts, so that there should be liability in damages for the physical and mental suffering caused by publications made without 'reasonable care.' I further suggest an inquiry as to the propriety of requiring the names and residences of the owners of newspapers to be published with each issue. . . "

20 Ja 03, p.7-8

474

## Family

490

### Family property

494

#### Property rights of married women

- a Id. Morrison. "Our statutes regulating the relative rights of husband and wife with respect to ownership of property should be so amended as to give equality."

5 Ja 03, p.22

500

## Corporations

*See also* Corporation taxes, 840; Banking, 1677; Insurance, 1730; Transportation, 1200

501

### General

502 General laws. Incorporation

*See also* Incorporation fees and taxes, 842

- a La. Heard, 12 My 02, p.8; filing of certificates.
- a1 Ari. Brodie. "I would . . . recommend that, whenever a corporation, by its articles, is authorized to have its office or offices outside of the territory, the territorial auditor shall be made the resident agent of such corporation, on whom may be served all processes with like effect as if served on the proper officers of the corporation within the territory, and that, for the services of the auditor as such agent, a reasonable yearly fee shall be charged to each of such corporations. . . I would further recommend that the articles of incorporation of all foreign insurance companies which are now required to be filed with the secretary of the territory, under title 13, ch. 4, R. S., be filed in the office of the territorial auditor, and that a reasonable fee be charged by the auditor for filing such articles, and that the auditor be made the resident agent of the companies filing such articles, on whom all notices and processes may be served in respect of said insurance corporatic

## CIVIL LAW CORPORATIONS

and that a reasonable yearly fee be charged each of the corporations for the services of the auditor as their agent. . . "

19 Ja 03, p.8

- a2 Ct. Chamberlain.** "Every corporation organized under the laws of Connecticut, and any corporation doing business within this state, should be required to file annually with the secretary of state, a sworn statement which shall enable the public and interested parties to obtain all proper information concerning them. No law should have or find a place on the statute books of the state which permits the creation of stock, bonds, or other forms of securities, except they represent cash or full cash value. Charter privileges sought for speculative purposes or to evade the wholesome requirements of our statutes, and to legalize unbusinesslike methods and questionable schemes, should under no conditions be granted."

7 Ja 03, p.21

- b Ind. Durbin.** "Notwithstanding the vigorous efforts of the auditor of state and the attorney general, who have succeeded, within the last four years, in driving out scores of fraudulent companies organized extensively to sell debentures, bonds, stocks and memberships in all kinds of cooperative schemes, it has been impossible, under the existing law, to eradicate the entire evil of the sale of such stocks, bonds, memberships and certificates to innocent purchasers. . . No corporation should be permitted to incorporate in Indiana with a capital stock published to the public unless such capital stock has been paid in cash, or its equivalent, such payment to be made within a reasonable time after such articles are filed. . . I suggest for your consideration the appointment of a commission to codify all the corporation laws of Indiana, to be submitted at the next session of the General Assembly."

8 Ja 03, p.28

- c Mass. Bates.** " . . . The corporate form today is essential in conducting large business enterprises; and our laws should be such that Massachusetts citizens can employ Massachusetts capital under a Massachusetts charter in any legitimate business, whether it be conducted within or without the borders of our state; and the taxation incident on such incorporation should flow into our treasury, rather than into the treasuries of other states. The Legislature recognized the need, when, at its last session, it provided by statute for the appointment of a committee to consider the laws of the commonwealth in relation to the formation, taxation and conduct of business corporations, and their effect on trade, commerce and manufacture, and to consider and determine what legislation, if any, is necessary to make the relations existing between the commonwealth and such corporations more advantageous to the commonwealth and to the public interests. . . "

8 Ja 03, p.41-42

- d Nev. Sparks. "Attorneys of high standing have represented to me that it is very essential that our corporation law be either amended or superseded by a new act embodying more liberal terms to incorporators. This fact is made apparent by the many instances wherein Nevada owners are compelled to go to other states in order to satisfy proposed investors. Such a law would remedy this inconvenience and will be acceptable to all concerned, and would, in my judgment, be productive of additional revenue to the state." 23 Ja 03, p.8
- e Tex. Sayers. "Experience in recent years, particularly within the last few months, has demonstrated the necessity of more stringent regulations with reference to the organization of corporations under the laws of the state, and granting permits authorizing foreign corporations to transact business. The records of the State Department show that of the very many charters that have been granted within the last few years to oil corporations, 164, of which 155 were authorized in 1901, have a capital stock of \$181,164,000. . . In other words, \$5,251,259 of property, as disclosed by the tax rolls, is the basis on which \$181,164,000 of stock depends for its value. One of two conclusions is certainly true: either the state has been grossly defrauded of its just revenue, or many to whom this stock was sold were scandalously victimized. It should be also noted that the authorized capital stock of these oil companies is larger, by \$49,642,430, than the outstanding stock on 10,559 miles of railway in the state. For this reprehensible condition, from which so many have suffered, the legislation of former years is directly responsible. The requirement that the stockholders in a proposed corporation shall furnish satisfactory evidence to the secretary of state that at least 50% of the authorized capital stock has been subscribed and 10% paid in before the charter shall be granted, is an entirely insufficient safeguard against what is commonly known as 'wildcat' corporations. To the business world the methods adopted in order to evade this requirement, are well known and need not be stated. It is believed to be sufficient to call the attention of the Legislature to this manifest defect in the law, and, without recommending any specific remedy, to urge a consideration of the subject and the provision of such other safeguards in the formation of corporations as will prevent their use as a means for imposing on the public."

16 Ja 03, p.9

517

## Government

### 521 Reports

- a U. Wells. [The secretary of state recommends] "that the corporation law be amended to require all domestic and foreign corporations doing business within the state to file annual reports in his office showing the condition of such corporations."

13 Ja 03, p.47

## 5 Foreign corporations

a **Mon.** Toole, 5 Ja 03, p.44-47.

b **Mon.** Toole. "Under existing laws foreign corporations can remove cases on account of diversity of citizenship from the state to the federal courts, and thereby compel its adversary, whether an individual or domestic corporation, to pursue litigation outside of the country or district of his or its residence, and, in case of appeal outside of the state, to San Francisco, if not to Washington, when no federal question is involved, and in many instances, where the same can not be done by a citizen or a domestic corporation. . . It is not perceived how this inequality can be obviated, unless it be by requiring foreign corporations to become domiciled or citizens of the state as a condition precedent 'to do business' in this state. . . "

5 Ja 03, p.45

### 37 Admission conditions

a **Or.** Chamberlain. "All corporations organized outside of the state and doing business here ought to be compelled by law to file copies of their articles of incorporation with the secretary of state, disclosing the amount of their capital stock, their officers and directors, and designating an agent on whom service of summons could be had."

14 Ja 03, p.7

## 58 Industrial combinations and monopolies

*See also* subhead Consolidation under Corporations, Banking, Insurance, Railroads

a **Ark.** Davis, 14 Ja 03, p.24-25. **Ct.** Chamberlain, 7 Ja 03, p.21-22. **Ind.** Durbin, 8 Ja 03, p.36-37. **S. C.** Heyward, 21 Ja 03, p.9. **U. S.** Roosevelt, 2 D 02, p.2-7. **Wis.** La Follette, 15 Ja 03, p.70-71. **Tenn.** McMillin, 12 Ja 03, p.16-17.

b **La.** Heard. " . . . The laws on our statute books . . . have, in their most essential features, been rendered inoperative by the decisions of the federal tribunal, and our laws aiming at the prevention of trusts, will, necessarily, have to be remodeled to conform with these decisions. . . I would suggest that in the framing of such a law, it be therein provided that no person called as a witness in any prosecution . . . shall be excused from testifying on the ground that his evidence might criminate, or tend to criminate him, and every person otherwise competent when called as a witness, shall be required to testify and to disclose all facts known to him which are pertinent to the issue; but the testimony so given by such a person shall not be used against the person so testifying, either criminally or civilly."

12 My 02, p.50-51

c **N. J.** Murphy. "It is the impression of some who are ignorant of the facts that the corporation laws of New Jersey are specially

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liberal and that corporations organized under them have unusual and perhaps unwise powers. This is not so. The New Jersey law recognizes the right of property to protection. It recognizes, as well, the right of the people to equal protection. . . Corporations that want to do a dishonest business have a hard time of it under the New Jersey law. Corporations that desire to conduct their business as honest men conduct theirs, are protected as fully and completely as is any individual in the state, but not more. New Jersey has justly won the confidence of the country because its laws protect alike, and with equal justice, the rights of the people and the rights of property. The result of this confidence has been, that so great a number of corporations have organized under her laws that the fees and taxes from this source are sufficient to pay the annual expenses of the state, to pay a large proportion of the cost of our public education and to leave a handsome surplus besides. Other states, envious of our prosperity, have copied our laws, reduced our fees and solicited our business. Their success has not been important. Our revenues from this source continue to increase. The inference is fair that it is because of the greater confidence the country has in that public sentiment back of our laws that makes our laws secure. . . Whether with just reason or not, what is generally known as the trust question has become the absorbing question of the time. . . In the development of our prosperity small concerns have grown to large ones, and those already large have grown larger. As their capital has increased, competition has become more vigorous, till in many instances it has become destructive to profits. The owners of a business will not long conduct it without a return on the capital invested, any more than a mechanic will long continue to work without his wage. In casting about for a remedy, combination was devised to replace destructive competition. It is a business plan, evolved by the necessities of the case, to accommodate the conduct of business to the changed conditions of the present time. Combination means a larger concern, but it does not necessarily mean a monopoly. As a matter of experience, it is found that, when it approaches monopoly, new capital is found for new establishments, and competition again appears. . . "

13 Ja 03, p.17-20

- d Tenn. McMillin. " . . . We have on our statute books strenuous laws against trusts, and it is in your power to provide funds for their efficient enforcement; and I recommend that you set apart a fund which, under the direction of the governor or attorney general, or both acting in conjunction, can be applied to that purpose. You can also do something by requiring that publicity which will force organizations of this kind doing business in the state to

report to the secretary of state all the essential facts concerning their capitalization, bonded indebtedness, receipts, expenditures etc. Something can be accomplished by this publicity; but it will take more than publicity to reach the root of the evil in many cases."

12 Ja 03, p.17

- e **Tex.** Sayers. "The Legislature in 1889 enacted what is commonly known as the antitrust statute, and, owing to a defect indicated in a decision of the Supreme Court of the state, the law was amended in 1895. The act of 1889, as amended by the act of 1895, exempted from its provisions live stock and agricultural products in the hands of the producer. Following a decision of the United States Supreme Court construing a similar statute of Illinois, the courts of this state have held the law of 1895 to be unconstitutional and void. In 1899 there was further legislation on the subject, in which it was declared to be cumulative of all kindred laws previously enacted, and at least one district judge of the state has held such legislation to be void because of the exemption referred to. The case, in which this decision was made, is now pending before the Supreme Court. Whatever may be the determination of the court in the premises, it is thought that additional legislation on the subject should be had at as early a date as practicable. . . Stringent legislation is . . . recommended prohibiting the combination or consolidation of existing corporations; and the law authorizing their formation should be so amended as to exclude a charter for the purpose of establishing or maintaining more than one plant or business, and also to require the place of its business to be stated in the charter, with a restriction as to its operations elsewhere. . ."

16 Ja 03, p.22-23

- f **Tex.** Lanham. "It is conceded that the decision of the Supreme Court of the United States in what is known as the Illinois case has practically nullified, to say the least, a portion of our antitrust laws. There is a contrariety of opinion as to the full extent to which it affects our previous legislation on this subject, it being believed by many of our able lawyers that our statute passed in 1899 is still in effect, while others maintain that it is no longer operative. The consensus of opinion seems to be that our legislation of 1889 and 1895, relating to trusts, is no longer valid and enforceable. In the absence of some authoritative and final judicial determination by the federal court of last resort, concerning the constitutionality of our act of 1899, we can not afford to leave this matter in any incertitude, and hence it seems essential that we should reenact our statutes of 1889 and 1895, or add so much thereof as may be necessary to that of 1899, omitting any provisions that would come within the inhibition defined by the Supreme Court in

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the case to which reference has been made. In addition, it is respectfully suggested that there must be some way whereby the federation of corporations in restraint of trade and wrongful consolidations of competing properties can be prevented. . . "

21 Ja 03, House Journal, p.123

- g U. S. Roosevelt. " . . . Corporations, and specially combinations of corporations, should be managed under public regulation. Experience has shown that under our system of government the necessary supervision can not be obtained by state action. . . Publicity can do no harm to the honest corporation; and we need not be overtender about sparing the dishonest corporation. . . I believe that monopolies, unjust discriminations, which prevent or cripple competition, fraudulent overcapitalization, and other evils in trust organizations and practices which injuriously affect interstate trade can be prevented under the power of the Congress to 'regulate commerce with foreign nations and among the several states' through regulations and requirements operating directly on such commerce, the instrumentalities thereof, and those engaged therein. . . The Congress has not heretofore made any appropriation for the better enforcement of the antitrust law as it now stands. Very much has been done by the department of justice in securing the enforcement of this law, but much more could be done if the Congress would make a special appropriation for this purpose, to be expended under the direction of the attorney general. One proposition advocated has been the reduction of the tariff as a means of reaching the evils of the trusts which fall within the category I have described. Not merely would this be wholly ineffective, but the diversion of our efforts in such a direction would mean the abandonment of all intelligent attempt to do away with these evils. . . To remove the tariff as a punitive measure directed against trusts would inevitably result in ruin to the weaker competitors who are struggling against them. . . The question of regulation of the trusts stands apart from the question of tariff revision."

2 D 02, p.3-5

- h Wis. La Follette. "The so called antitrust law of Wisconsin is an act without force or effect under existing conditions. It applies only to corporations organized in Wisconsin. There are no trusts of the first class native to this state. Yet few states perhaps suffer more directly through the influences of these artificial monopolies of trade than our own. . . In my judgment the coal famine now existing throughout this state presents a subject calling for prompt legislative inquiry with full exercise of the large powers granted to legislative committees. . . I renew the recommendation made to the Legislature two years ago for an entire revision of the laws relating to this subject. . . An examination of legislation of this character

in the several states affords evidence that prohibitory laws are most abundant, but that the most of them are found lacking and inefficient through failure to provide means for their enforcement, or to prescribe suitable penalties for their violation."

15 Ja 03, p.70-71

590

## Administration of justice

500

### Courts

Names and general organizations of courts vary greatly in different states. Courts are here grouped according to actual jurisdiction. The precise names of the courts are preserved in entries and subordinate headings.

601

#### General

- a **Ala.** Jelks, 14 Ja 03, p.3; redistricting the state for judicial purposes. **Ari.** Brodie, 19 Ja 03, p.10; division of state into judicial districts. **N. Y.** Odell, 7 Ja 03, p.34; commission to inquire into delays in 1st and 2d judicial departments. **U.** Wells, 13 Ja 03, p.41; increase in judicial salaries recommended.
- b **Col.** Orman. "For the last several years the question as to the wisdom of abolishing the Court of Appeals and the enlargement of the Supreme Court, has been under advisement, and has always met with the hearty approval of the bar of the state. . . The number of justices should not be less than five nor more than seven, and in my judgment the term of office should not exceed 12 years. Public policy forbids a longer term than this." 10 Ja 03, p.66
- c **Col.** Peabody. "With practical unanimity, the members of the legal profession, through the State Bar Association and local associations, for a number of years have advocated the abolishment of the Court of Appeals and an increase in the number of the justices of the Supreme Court. . . I am also of the opinion that a reduction of the number of district courts is desirable from every point of view." 13 Ja 03, p.106
- d **Ct.** Chamberlain. "Your attention is called to the overcrowded dockets of our higher courts and the expense and delay of trials which result from this condition." 7 Ja 03, p.10
- e **Ga.** Candler. ". . . Georgia has in her past history employed at different times four different ways of naming these [judicial] officers, but it can be safely said that the present mode is the most objectionable of all. It will not do, and this is being demonstrated every day, to have the officers who are to sit in judgment on the rights and liberties of the people chosen in the arena of partizan and sometimes corrupt politics. We have as yet had no corrupt judges, but under the present system it is only a question of time when we will." 22 O 02, p.17



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It is evident that the increased labors of the courts, the crowded condition of its docket, demand some remedy to relieve the congestion. . . . The remedy is the organization of the intermediate courts, first, to relieve the Supreme Court, and, second, to reduce the cost of appeals in smaller cases. . . . It costs \$100 to appeal in the Supreme Court, and this is tantamount to an appeal in smaller cases, specially when the expenses attending to the cases are considered. These courts should be tried on the original minimum cost. I think, then, that the country should be divided into two circuits, the northern and the southern, each to have probate courts of three judges in each one, with jurisdiction to all cases, civil or probate, when the matter in dispute exceeds \$100 exclusive of interest, and not exceeding \$1,000 interest. . . . With the adoption of this system, the number indicated in the Constitution, say to 20, would be now existing." 12 My 02, p.47-48

Delay is denial of justice. In certain of the counties, as in Middlesex, men under arrest may have to wait several days before being brought to trial. The increase in civil business in the Superior Court, notwithstanding the addition of three judges in the past year, it is still evident that something must be done. The condition in Suffolk county particularly is bad. More and more, the law business of the city of Boston. Cases have so accumulated that they would consume the entire time of the judges. 8 Ja 03, p.35-36

I have long been of the opinion that the election of judges should be removed as far as possible from the political arena. It is believed that this could be done by having the Supreme Court and judges of the district courts elected at a time other than a general election. . . . 5 Ja 03, p.15

The last Legislature passed certain amendments to the Constitution which provide for certain changes in our judicial system. The overcrowded condition of the courts emphasize the need for the final adoption of these amendments. . . . 13 Ja 03, p.16

It is generally conceded that the salaries of our judges are inadequate, and generally expected that the Legislature should provide for their retirement on part pay, till the term of office expires. It has been suggested that a provision be added, that the salaries are fixed for all the judges, limiting the age of the judges, providing for their retirement on part pay, till the term of office expires.

## CIVIL LAW ADMINISTRATION OF JUSTICE

for which they were elected has expired, when they reach the age fixed for retirement. . . "

14 Ja 03, p.24

604

## Supreme courts

Including only those highest in state, of whatever name, e. g. Court of Appeals but not Supreme Court of New York. In New York, New Jersey and elsewhere the Supreme Court is a district court and is classed below, 609. The Court of Appeals in New York, New Jersey, Kentucky and Maryland is the highest court, but in Colorado, Kansas, Missouri and Texas it is subordinate to the Supreme Court.

## 605 General and miscellaneous

a Vt. Stickney, 2 O 02, p.16.

b Cal. Pardee. "The inability of our Supreme Court, even with the help of its assisting commission, to hear and determine, within a reasonable time, the causes submitted to it, seems to call for prompt relief. I therefore recommend that the Legislature, after asking the advice and assistance of the judiciary, endeavor to devise some better plan, to be submitted to the people in the form of a constitutional amendment, in order that justice may be sooner done and the expenses of litigation may be curtailed." 7 Ja 03, p.16

c Neb. Mickey. "Your attention is urgently called to the necessity of providing for the continuation of the Supreme Court Commission. The present commission has performed commendable service and reduced the volume of litigation for years pending in the Supreme Court. While the number of commissioners might be decreased, I am firmly of the opinion that the number should not be less than six, considering the rights of litigants, and the imperative demand of the people that every case should receive fair and full consideration. . . "

6 Ja 03, p.44-45

d Neb. Savage. "The Legislature at its last session enacted a law which created a Supreme Court commission composed of nine members. The measure is of doubtful constitutionality; but congested conditions required that something be done to relieve the court and remove obstacles in the way of the speedy administration of justice, and, this being the only available remedy, it was resorted to. At the time of appointment of the commission, there were 1700 cases on the docket. Aided by the commission, the court has succeeded in disposing of these cases and it is now in a position to give early attention to controversies submitted to it for determination. The act limits the term of the commission to two years. . . This state has, however, outgrown the adjudicating capacity of the court, and, when revision of the organic law shall be undertaken, provision should be made for a substantial increase in the number of judges. . . "

6 Ja 03, p.21-22

## 507 Reports

a La. Heard, 12 My 02, p.8; publication of additional number required. Vt. Stickney, 2 O 02, p.22; digest of Vermont reports.

609

**Intermediate courts**

615

**Circuit court**

- a **W. Va. White.** "It will also be the duty of the Legislature to redistrict the state for judicial circuits, and in that connection it is urged by many that the number of circuit judges be increased, and inferior courts abolished. . . " 14 Ja 03, p.24

633

**District courts**

- a **Mon. Toole,** 5 Ja 03, p.14; district judge in Lewis and Clarke county.
- b **Neb. Savage.** "It is the consensus of opinion of those well informed on the subject that the state has been prodigal in the creation of district courts and judges. . . In many of the districts, particularly in those of minor commercial importance, the volume of litigation is by no means sufficiently large to occupy half the time of the court. . . A retirement of at least one fourth of the judges will in no way delay the administration of justice, while it will make a saving approximately of \$25,000 per year to the people." 6 Ja 03, p.22

657

**Court officers**

For officers of special court, *see* above under that head

- a **Wy. Richards.** "The attorney general recommends that our laws be so amended that a district attorney and a court stenographer shall be appointed for each judicial district in this state; and that any fees collected by said stenographers shall be covered into the state treasury." 13 Ja 03, p.14

669

**Notaries public**

- a **W. Va. White.** "I recommend that our laws in regard to the appointment and government of notaries public be changed. I see no objection to the authority of a notary public extending to the limits of the state, as in New York and other states. . . There should be a term limit to the office, and these officers should come under the review of the governor at least every four years. . . " 14 Ja 03, p.93-94

695

**Civil procedure**

Including such provisions as apply to both civil and criminal cases

725

**Jury. Verdict**

732

**Verdicts**

- a **Col. Orman.** "I desire to renew my recommendation of two years ago, relative to the submission of a constitutional amendment, providing that in all civil cases in courts of record, tried by a jury, three fourths of the number of jurors may concur and return a verdict. This would, if adopted, in my judgment, effect a great saving to the people, besides expediting litigation. . . " 10 Ja 03, p.66

## ADMINISTRATIVE LAW OFFICERS

733-1

733

**Appeals. Review**

- a O. Nash, 25 Ag 02, p.3; appeals to Supreme Court.
- b **Mass. Bates.** "Much of the time is taken up in hearing appeals from the lower courts. It has become a practice on the part of some attorneys to bring their cases in the lower courts, in order that they may discover the evidence of their opponent, and then appeal. The judges of these lower courts are men of experience and ability. In case of an appeal, the finding of these judges upon a hearing should be by law given the effect of an auditor's report. This could result in no injustice to any one, but would make the number of appeals much smaller, and thereby diminish pressure on the overburdened higher court." 8 Ja 03, p.37

739

**Special actions**

- 749 **Writs: certiorari, injunction, mandamus, prohibition, quo warranto, scire facias**
- a **Cal. Pardee.** "Complaint is frequently made against our courts for what is alleged to be a too frequent and an ill advised use of the writ of injunctions. . . While it will be well to look thoroughly into it, I am strongly of the opinion that hasty legislation might be very bad legislation. . . " 7 Ja 03, p.4-5
- b **N. J. Murphy.** "I call your attention to the advisability of passing a law requiring litigants who seek to enjoin corporations or others in the state from carrying out plans adopted by them, to give a bond of indemnity to the party attacked, in such sum as the chancellor shall deem proper, in case it be finally determined that the applicant for the injunction was not entitled to the writ. I am informed such a law exists in New York state. . . " 13 Ja 03, p.22
- c **W. Va. White.** " . . . I would call the attention of the Legislature to the subject of the alleged abuses of the writ of injunction by our state courts. . . " 14 Ja 03, p.89

750

**ADMINISTRATIVE LAW**

This and Constitutional law above make up what is commonly known as the Political Code

753

**Officers. Civil service**

See also State departments, 38; County civil service, 2511

754

**General**

- a **Mass. Bates.** "Public service corporations, rightfully managed, are of great benefit to the people; but the interests of stockholders sometimes conflict with those of the public. . . For years there has been a growing tendency on the part of certain public officials in state and city governments to request employment for their constituents from such corporations. . . It is time for legislation that

will prevent such use of labor patronage by making it an offense for any official to make, or any corporation to grant, directly or indirectly, such a request." 8 Ja 03, p.32-33

756

**Appointment**

a R. I. Garvin. "As an instance of the many vicious laws now on our statute books, none has less excuse than the one enacted two years ago transferring the power to appoint, and even the power to nominate, from the governor to the Senate. This innovation, so far as I can learn hitherto unknown to legislative government in any part of the world, is wrong in principle and can only lead to bad results. The law should be repealed forthwith, and its reenactment should be rendered forever impossible by means of a constitutional provision." 6 Ja 03, p.8

b S. D. Herreid. "Two years ago, in obedience to the will of the people, nearly all official positions and some of the institutions required appointments in harmony with the new administration, and subsequent developments in three of the institutions revealed conditions which not only justified but imperatively demanded a change. Never before had the executive of the state been confronted with so many vacancies. Impressed with the belief that the affairs of the state should be managed according to rules of business recognized by managers of great and successful industrial corporations, my first efforts to apply these convictions came in the selection of men to fill the various positions in the service of the state. I soon found that my ideals of good government were not easily put into practice. Whenever I believed that the public service could be made better, I have ignored applications for appointments and even the recommendations of my best friends in order to carry out my convictions of duty. Generally speaking, the offices have been seeking the men. Sometimes it required a personal appeal to their sense of duty as good citizens to assume official burdens which to them meant neither honor nor reward. . ."

6 Ja 03, p.3-4

758

**Civil service examinations (general)**

a Ill. Yates, 7 Ja 03, p.1; special message, transmitting civil service bill and recommending passage.

b Cal. Pardee. "The platforms of the two principal parties adopted before the recent election contained declarations in favor of the merit system in the civil service of the state. . . In this matter, gradual progress is the best of all progress, because it is the surest and most enduring. The success which has been obtained in the classified civil service of the federal government, after 20 years of trial, points the way to the eventual evolution of a similar system under the state government." 7 Ja 03, p.16-17

c Col. Peabody. "The business of the state should be administered on business principles, and to the accomplishment of this end I know of no method or means which would more effectually bring

## ADMINISTRATIVE LAW OFFICERS

about this result than the establishment and enforcement of civil service rules in all departments of the state government where the same can be applied. . . "

13 Ja 03, p.87

- d Ill. Yates. " . . . The question is, shall appointments for merit be compelled by law? I answer that the gratifying success obtained under this administration by the retention of the main part of the old forces at the charitable institutions, shows what a calamity it would be to have the whole force removed, from time to time, by the preferment to power of first one political party and then another. Moreover, the present system under which, not only superintendents, but trustees, legislators, party leaders and the executive himself, are in spite of everything that can be done, embarrassed and harassed, from year's end to year's end, by applicants for small positions, who clamor for the hearing of their claims—involves a serious loss of time and waste of energy of officials, which loss and waste the people have the right to complain of and to abrogate by appropriate legislation. No one can possibly be more earnestly in favor of a reform in this particular than an official who for even one year has been subjected to this trial. . . "

7 Ja 03, p.9-10

- e Neb. Savage. " . . . It would be a measure reflecting sober judgment and reason, one in harmony with the most advanced thought of the age, to establish a system of civil service extending over and including all the state institutions and all the departments of state government, excepting the judicial, legislative and executive departments. While recognizing the necessity of political parties, I do not believe that humanity should be required to pay such enormous tribute to partizanship as is customary, neither do I believe that the withdrawal of the spoils of office would jeopardize the existence of any political organization worthy of existence. . . "

6 Ja 03, p.9

- f N. Y. Odell. "I recommend . . . that, where changes have not been sanctioned by the State Civil Service Board or the governor, that no salaries shall be paid by the local authorities or the state treasury, and that the power to enforce such payment in the courts shall be denied. . . "

7 Ja 03, p.35

- g U. S. Roosevelt. "Gratifying progress has been made during the year in the extension of the merit system of making appointments in the government service. It should be extended by law to the District of Columbia. It is much to be desired that our consular system be established by law on a basis providing for appointment and promotion only in consequence of proved fitness."

2 D 02, p.23

64

## Reports

- a Id. Morrison. " . . . In view of the embarrassment incident to delay in the making of these reports, I submit as a suggestion for your serious consideration the advisability of a law, in harmony with said constitutional provision, making it incumbent on the offi-

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cers indicated to have their reports available by the first day of December preceding each regular session of the Legislature."

5 Ja 03, p.5

- b **N. M. Otero.** "I recommend that you pass an act requiring all officers, boards and commissions who are required to make reports to the governor, superintendent of public instruction, the Legislature, or any other person, should do so at the close of each fiscal year, and providing that a failure to do so for a period of 15 days should subject the party so failing to removal from office and a heavy fine to be collected from him and the sureties on his bond."

19 Ja 03, p.6

- c **Wy. Richards.** "... Under the present laws, no appropriation or provision is made for the printing of any reports excepting those of the treasurer and auditor, whereas the reports of the secretary of state, the state superintendent of public instruction and ex officio register of the Land Board, the State Board of Charities and Reform, and the state examiner contain information as interesting and instructive as the two former. . . "

13 Ja 03, p.25-26

765

## Salaries. Fees

- a **Ari. Brodie,** 19 Ja 03, p.9-10; fees should be turned into treasury and offices made salaried.
- b **Ari. Brodie.** "I . . . believe the present to be the proper time for a correction of the fee system now to some extent in vogue in the territory, and a readjustment of the salaries paid territorial officials."
 

19 Ja 03, p.14
- c **Del. Hunn.** "Owing to the . . . uncertain amount of business incident to any one of these civil functions, the fees received vary to such an extent that the most important offices have at times the least remuneration, and thereby the public service suffers. In view of this fact, it seems advisable to place all offices on a salaried basis, as rapidly as it can be done in accordance with the restrictions of the Constitution. . . "
 

6 Ja 03, p.16-17
- d **Ind. Durbin.** "The fee and salary act of 1895 was a step in the right direction, in that it placed the officers of the state on a basis of annual salaries and provided for the conversion of all fees into the public treasury. It has been demonstrated that there are inequalities in the compensation paid state officers, also in the different counties of the state, and in the case of the state's judiciary, the salaries named are inadequate for the duties performed. . . "
 

8 Ja 03, p.30
- e **Mass. Bates.** "The tendency of legislation in recent years has been to provide that, where officers are paid salaries, all fees provided for by statute and received by them in the discharge of their duties shall be turned into the treasury of the state, county or municipality, as the case may be. This policy has met with approval, and should be made more complete. . . "
 

8 Ja 03, p.25

## ADMINISTRATIVE LAW OFFICERS

76.

f Nev. Sadler. " . . . I am most decidedly in favor of increasing the salaries of the deputies employed in the several departments of the state government. . . " 19 Ja 03, p.6

g Or. Geer. "For many years there has been a growing dissatisfaction among the people as to the fee system which is applied to the payment of certain public salaries. During the past year the question was given a degree of prominence which secured for it a place in every party platform demanding its abolition. . . " 10 Ja 03, p.21

h Or. Chamberlain. "The platforms of both parties prior to the last election declared in favor of putting all the state officers on fixed annual salaries, and the payment of all fees earned by them in the performance of official duties into the state treasury. . . Since the last election it has been asserted in some quarters, that under this constitutional provision [art. 13, § 1] no other or different salary can be given by the Legislature to any of the officers therein named than those prescribed. . . That body is prohibited from giving to the officers named a less salary than the amount prescribed therein; it is prohibited from giving to any of them any fees or perquisites for the performance of official duty, but it does not prohibit the Legislature from exercising the discretion of increasing their salaries beyond those named therein. . . If the pledges of your platforms are carried out, and the governor, secretary of state, treasurer and judges of the Supreme Court placed on reasonable annual salaries, and all fees earned paid into the treasury, it will result in a saving to the state. 14 Ja 03, p.12-16

i S. D. Herreid. " . . . The people of this state expect and demand the highest order of business ability in the management of their public institutions. For these services I believe they are now ready and willing to pay a fair compensation. Gratuitous services are no longer expected, and, I am convinced, are not desirable or profitable. . . " 6 Ja 03, p.37

j W. Va. White. "The . . . state officials are very poorly paid as compared with the salaries provided for similar officers with like responsibilities in other states. The attorney general's salary should be largely increased, and the Constitution amended so as to require his residence at the capital, as his services are needed almost continually. This is another instance of the defects in our present organic law." 14 Ja 03, p.23-24

767

## Tenure of office. Discipline

*See also Passes, 1237*

a Col. Peabody. "Speaking for myself, and the other officers elect of the executive department, I assure you that it will be our endeavor to see to it that 'the servants of the state' give the state the same amount of competent service that employees of mercantile and industrial establishments give; and, in this connection, I would suggest that you only employ such clerks and assistants in the



discharge of your labors as may be absolutely necessary to perform the work in hand. There is no good reason why the Legislature should require as many clerks and assistants in the discharge of its duties as there are members of both houses; and the placing on the pay roll of a single clerk or other assistant simply for the purpose of giving a personal or political friend a 'job' is entirely indefensible. What has been said of the civil service of the state applies with equal and greater force to all departments of our county and municipal governments."

13 Ja 03, p.89-90

- b S. D. Herreid. "... The act of the Legislature of 1901 giving the governor power to unceremoniously remove officials is a most important step toward good government. In the performance of his duties the executive is constantly hampered by a mass of restrictions and limitations of power that should be swept away. A distribution of responsibility is demoralizing and not productive of the best results to the people. With greater freedom of action, more power, would come greater personal accountability. An enlightened and active public sentiment under such conditions would be productive of the highest degree of efficiency in every department of the public service. . . "

6 Ja 03, p.4

770

## Finance. Property

*See also* School finance, 2237; Local finance, 2550

772

## Domain. Property

773

### Public lands

*See also* School lands, 2240

774

### General and miscellaneous

- a Ala. Jelks, 14 Ja 03, p.18; salt lands. Col. Orman, 10 Ja 03, p.23-28. La. Heard, 12 My 02, p.15-19. Mich. Bliss, 8 Ja 03, p.19. Mon. Toole, 5 Ja 03, p.10-12. N. M. Otero, 19 Ja 03, p.15-17. N. D. White, 8 Ja 03, p.10-14. Or. Geer, 10 Ja 03, p.8-16. Or. Geer, 10 Ja 03, p.15-16; mineral lands. Or. Chamberlain, 14 Ja 03, p.37-41. S. D. Herreid, 6 Ja 03, p.49; expenses of litigation. Tex. Sayers, 16 Ja 03, p.7. U. S. Roosevelt, 2 D 02, p.18-19. U. Wells, 13 Ja 03, p.16-22. Wy. Richards, 13 Ja 03, p.6.
- ai Ala. Jelks. "The state's land agent finds in an effort to straighten out the state's land books that there are 225,000 acres of sixteenth section lands, which, according to any showing we have, is the property of the schools, but which is now claimed by persons under adverse or other real or pretended titles. . . I suggest that a small committee of each house be appointed, having this matter in care, to confer with the land agent and agree on some needed legislation."
- 14 Ja 03, p.18
- b Col. Orman. "The business of the State Board of Land Commissioners has reached such proportions that I am constrained to add my earnest indorsement to that of the other members of the

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board, and earnestly urge on you the submission to the people of a constitutional amendment, providing for the creation of a state board of land commissioners, to be composed of three members, two of whom shall be elected, with a term of office of four years, one member to be elected every two years, the third member of the board to be the state superintendent of public instruction, who, by virtue of the office, represents the public school interests of the state, and who should at all times have a voice in the management of the school lands of the state. . . . " 10 Ja 03, p.27

- c **N. M. Otero.** "For the protection of our lands there should be a law requiring the judges of the district courts to specially instruct their grand juries to investigate into the cutting of timber or other depredations on school sections or other territorial lands, and making it the duty of each district attorney to prosecute any such offenders." 19 Ja 03, p.17

- ci **Or. Geer.** State land agent. "Under the law of 1899 his principal duty has been to look after the farms acquired by the state through the foreclosure of mortgages given to the common school fund. . . . It has been his duty to find purchasers for these farms as fast as possible, at the best obtainable prices, to find renters where sales were not to be had and to look after the collection of the rents. . . . " 10 Ja 03, p.12

- d **Or. Chamberlain.** "There is now in the state treasury \$729,435.42 of the irreducible school fund unloaned, and consequently bringing no revenue to the public schools. Under these circumstances, there is no reason for continuing the sales of the public lands of the state at minimum prices. It might be the part of wisdom to withdraw them from the market entirely for two years at least; but, if the present policy of selling them is to be continued, the State Land Board ought to be invested with a broader discretion than they now possess, and permitted to refuse applications to purchase, or to sell either for their actual value after proper ascertainment thereof, or at public auction to the highest bidder, with power to reject any and all bids that might be offered. . . . There have been at all times more or less abuses in connection with the sale of the public lands, and consequently much scandal has attached to various officials and private individuals because thereof. Duties which the law has intended should be performed by the clerk of the land board and other officials have not in times past been performed by them, and contemplated purchasers have been compelled to pay private individuals exorbitant prices for information which ought to be furnished by the records of the land department. . . . " 14 Ja 03, p.37

- e **S. D. Herreid.** "The difficulties encountered relating to the investment of the school funds have developed two distinct lines of thought or policies to be pursued by the state with the unsold school and endowment lands, numbering 2,570,923 acres. On the one hand it is maintained that these lands should be sold within

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a reasonable time, not only for the interest to be derived from the investment of the proceeds, but for the occupation of these lands and development of the localities where these lands are found. Counties with large tracts of untaxed state lands object to a policy which retards their development and throws an undue share of the burdens of taxation for public improvements on the owners of the improved lands. Objection is also made to an elaborate state system of tenantry. The argument in favor of leasing these lands is briefly and best stated by President Beadle: 'It would cost far less to administer the lands and funds on the rented plan. There would never be any risk to the principal; it would remain in the lands, safe. . . The collection of these sums would be more easy, less expensive and safer than the loan of the money, and an easier and safer proposition. We have this alternative: to sell the lands and accept a steadily declining rate of interest on a fund that can not increase, or to lease the lands and receive an increasing income from a permanently increasing capital. Interest declines; real property advances. Let us keep the best security and income.'"

6 Ja 03, p.12

- f **Tenn. McMillin.** "On a prior occasion I recommended to the Legislature the repeal of all laws authorizing the granting of lands in Tennessee. . . Unfortunately, there are thousands of instances where the lands have been granted two, three, or four times. . . If the state really owns large bodies of land, it should not give them away without remuneration, and in tracts containing from 1 to 90 square miles. If it does not own them, it should not pretend to grant them."

12 Ja 03, p.16

- g **Wis. La Follette.** "Action by the Legislature to determine some definite policy respecting the care and disposition of what remains of the state lands will be timely and economical. Approximately 300,000 acres of land, much of it of doubtful value for agricultural purposes, are now held by the state. . . "

15 Ja 03, p.91

776

**Sale. Settlement. Appraisal**

- a **Cal. Gage,** 5 Ja 03, p.7-9; land frauds. **N. C. Aycock,** 7 Ja 03, p.19; sales of state land.
- b **Or. Geer.** " . . . While at first the object was to dispose of state lands to actual settlers, this policy was long ago abandoned, and the principal object of the law for years has been to stimulate the sales of all our lands at the prices indicated and to convert them into money for the state school fund. . . "

10 Ja 03, p.9

778

**Tide, shore and swamp lands**

- a **Ind. Durbin,** 8 Ja 03, p.16-17; survey of Kankakee lands.

779

**Buildings. Property and supplies**

780

**Buildings and grounds**

- a **Ind. Durbin,** 8 Ja 03, p.29. **Okl. Ferguson,** 13 Ja 03, p.23; proposed new buildings. **Tex. Sayers,** 16 Ja 03, p.12.

- b **W. Va. White.** "The experience of West Virginia in one phase of the matter of erecting buildings has almost uniformly been that the buildings cost a great deal more than the estimates. . . I recommend that it be provided by law that when any such plans are adopted, the adopting board shall certify the same, with the specifications, estimated cost, etc., to the Board of Public Works, and that it be the duty of this board to engage an architect or other competent person to determine whether the proposed building can be erected within the estimated cost. If it be found that it can not be, the plans should be rejected, and new ones obtained by the adopting board. . . "

14 Ja 03, p.93

## 81 Capitol

- a **Ala. Jelks,** 14 Ja 03, p.21-22. **Ark. Davis,** 14 Ja 03, p.37-43. **Col. Orman,** 10 Ja 03, p.19-23; completion of capitol. **Ill. Yates,** 7 Ja 03, p.12; improvement of capitol. **Kan. Bailey,** 13 Ja 03, p.18; completion of capitol. **Me. Hill,** 8 Ja 03, p.21; needed improvements. **Mich. Bliss,** 8 Ja 03, p.12; accommodations inadequate. **Minn. Van Sant,** 7 Ja 03, p.22-23; work on new capitol. **Mo. Dockery,** 19 Ja 03; special message relating to improvement of capitol building and grounds. **Mon. Toole,** 5 Ja 03, p.3; completion of capitol. **Neb. Mickey,** 10 Mr 03; street pavement. **N. J. Murphy,** 13 Ja 03, p.14-16; extension of state house grounds. **Pa. Stone,** 6 Ja 03, p.9; construction of new capitol. **Wash. McBride,** 13 Ja 03, p.13; furnishing legislative chambers. **W. Va. White,** 14 Ja 03, p.90; capitol annex. **W. Va. White,** 14 Ja 03, p.92-93; control of capitol buildings. **Wis. La Follette,** 15 Ja 03, p.90-91; lighting and ventilating. **Wy. Richards,** 13 Ja 03, p.22.

- b **Ct. Chamberlain.** "The business of the state has outgrown the capacity of the capitol. Many departments are overcrowded, many of the bureaus are without adequate accommodations, and there are not sufficient committee rooms for the convenient transaction of legislative business. Every important department of the state should here find ample and convenient accommodation, and I recommend that you take measures to enlarge the present building in order to provide for both the immediate and future requirements of the public business."

7 Ja 03, p.19

## 2 Executive mansion

- a **Wy. Richards,** 13 Ja 03, p.22.
- b **Ind. Durbin.** " . . . I earnestly recommend legislation that will provide for the purchase or erection and furnishing of a residence to be occupied by the chief executive of the state. . . " 8 Ja 03, p.23
- c **Mich. Bliss.** "It is for the best interest of the state that the governor should have his home at the capitol during his term, and the state should build and maintain an official residence for him. . . "

8 Ja 03, p.12

- d **N. J. Murphy.** " . . . The time has come when the state should provide a suitable residence for its governor. A number of states do this already; and I think the citizens of this state are willing to dignify the office to this extent. . . "

13 Ja 03, p.15

783 State architect

- a Ind. Durbin. "... I would urge on you immediate consideration of the proposition of providing by law for the appointment of an architect who would have general supervision of the construction of buildings and the planning of heat, light and water plants in the various state institutions." 8 Ja 03, p.32
- b Kan. Bailey. "I would recommend the enactment of a law authorizing the appointment of a state architect. . . I feel that a state architect who has supervision over the buildings of the state will not only result in a saving to the state, but will induce a uniformity in the buildings, a condition much desired." 13 Ja 03, p.16

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Property and supplies generally

787 Contracts and supplies

- a Mass. Bates. "... Boards and commissions should make certain, when work is awarded by them to contractors outside, because their bids are less than the bids of those within, the state, that the saving to the commonwealth is sufficiently great not only to pay the extra cost of inspection of the product thus manufactured at a distance, but also adequately to compensate the commonwealth for its indirect loss through the loss to its own wage-earners by reason of the work being done elsewhere. . . ." 8 Ja 03, p.7-8

791 Insurance

- a Mon. Toole, 5 Ja 03, p.10; insurance of capitol.
- b Mo. Dockery. "I earnestly urge that provision be made for adequate insurance on all state buildings. But few of these structures carry sufficient insurance, and most of them are wholly uninsured." 8 Ja 03, p.8
- c Or. Geer. "It is my judgment, concurred in by other members of the different boards, that the state should carry no insurance on its public buildings. During the past 40 years I believe there has been no fire in any public building, save the recent fire at the reform school. This fact shows that the chances for loss of property from fire are too small to justify incurring the expense of insurance. The most valuable of our state buildings, the capitol, is not insured for a dollar and never has been. . . There should be a law instructing the different boards to insure the state buildings in an amount definitely specified, or, you should declare that since the state's resources are stronger than those of any insurance company, it is the policy of the state to carry its own insurance." 10 Ja 03, p.27
- d S. D. Herreid. "Before appropriating money for the insurance of public buildings, the officer or board having the building in charge should be consulted. Provisions should be made for the insurance of public buildings in the course of construction." 6 Ja 03, p.49
- e W. Va. White. "... It has been suggested by some that, as the state has now so many buildings, and pays out so much money annually for insurance, possibly it would be best for the state to carry its own insurance. I make no recommendation as to this. . . ." 15 Ja 03, p.56-57

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**Sale of property**

**Mon.** Toole, 5 Ja 03, p.9-10. **Tenn.** McMillin, 12 Ja 03, p.7-8; sale of the old penitentiary.

**Public works****State departments**

**W. Va.** White, 14 Ja 03, p.89-90; board of public works.

**State engineer. Surveyor**

**Wy.** Richards, 13 Ja 03, p.12-13.

**N. M.** Otero. "Every state and territory has an officer known as the state or territorial engineer, and the conditions of the public lands in this territory are such as to demand such an officer more than most commonwealths. . . " 19 Ja 03, p.55

**Light, water and sewerage plants**

**W. Va.** White, 14 Ja 03, p.91-92; additional lighting plant.

**Or.** Chamberlain. "A report will be submitted to you with reference to the cost of lighting public buildings. . . The state ought to own and operate its own light plant. This could be located at the penitentiary and operated in part by convict labor."

14 Ja 03, p.35

**State parks**

**Cal.** Gage, 5 Ja 03, p.53-55; California Redwood park.

**Taxation (general)**

Relating chiefly to general property taxes. *See also* Road taxes, 2713

**General and miscellaneous. State departments**

**Ari.** Brodie, 19 Ja 03, p.6-10. **Ari.** Brodie, 19 Ja 03, p.15; State Board of Equalization. **Cal.** Pardee, 7 Ja 03, p.18-21; reform of general property tax. **Col.** Orman, 10 Ja 03, p.67-71; State Board of Equalization. **Col.** Peabody, 13 Ja 03, p.80-81; working of new revenue law. **Ct.** Chamberlain, 7 Ja 03, p.9; State Tax Commission. **Ind.** Durbin, 8 Ja 03, p.12-13; State Board of Tax Commissioners. **N. Y.** Odell, 7 Ja 03, p.1-10. **Tex.** Lanham, 21 Ja 03, p.123, House Journal. **W. Va.** White, 14 Ja 03, p.19. **Wy.** Richards, 13 Ja 03, p.4-5.

**Ala.** Jelks. "Under the Constitution, it is made the duty of the governor, auditor and attorney general to prepare a revenue code for your 'information.' That duty has been discharged. The work was done under the more immediate supervision of the auditor. In its preparation, we had the advice, for several days, of several county assessors, collectors, and at least two back tax commissioners. I hope you will find it an improvement over the revenue codes of the past. There is one startling innovation in it to which I call your attention. This is a stamp tax on mortgages. Under the operation of old codes, there was no tax duty resting on foreign concerns lending money in the state. Our own people were thus discriminated against. There are several other important changes. . . "

14 Ja 03, p.22-23

- c Col. Orman. "The attempt to equalize between the counties is of but little avail. The hands of the [state] board are so effectively tied that it is impossible to do this work with any kind of justice or satisfaction to the members of the board or of the counties, and the attempt might as well be left undone. The board has no power or authority to equalize particular kinds or classes of property as between the several counties. All they can do is to raise or lower the aggregate. . . However, this is a matter that will require a constitutional amendment, as the Supreme Court has already held that the Board of Equalization has no other alternative in the matter of equalization between the counties. . . I deem it advisable that a constitutional amendment be submitted to the people, creating a tax commission, to be composed of three members, with a term of office of six years, one member to be elected by the people every two years, whose duty it shall be to assess the corporate property within the state now assessed by the State Board of Equalization, and who shall also have power to equalize between the counties on an equitable and fair basis. . . " 10 Ja 03, p.69-70
- d Kan. Bailey. ". . . For many years it has been generally conceded that our present tax law is insufficient for present conditions, crude and inequitable in its operation. Framed 34 years ago, when Kansas was a frontier state and all its property visible and easy of assessment, it is now imperfect, and wholly inadequate to meet the changed conditions of society. . . These inequalities and injustices have attracted the attention of our lawmaking power for many years, and many attempts have been made to adjust the law to the new conditions, but the brief time allowed by the session has prevented a comprehensive and satisfactory plan; and so thoroughly has this been proved that the session of 1901 adopted the plan which has been followed with success in most of the northern and western states in recent years, of a state tax commission. . . " 13 Ja 03, p.12-13
- e La. Heard. "Our present revenue laws are the result of years of experience and conscientious effort on the part of our lawmakers . . . and, with some modifications and amendments relating to the taxation of credits and indebtedness to foreign corporations . . . and the taxation of credits and obligations assigned to third parties by original owners, will, I think, be found satisfactory. . . " 12 My 02, p.5
- f Mich. Bliss. "After years of agitation Michigan's system of taxation is quite clearly defined, and the work of the future will consist in perfecting the system rather than in making radical changes. . . State supervision of the assessing machinery has already wrought decided results and the powers of the Board of State Tax Commissioners should be increased rather than diminished. . . It is clear that, if the work of the state board is to be given its greatest efficiency and the results of its work saved to the people most in need of assistance, some change is necessary to control, or at least

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to regulate the authority of county boards of equalization. . . Since 1899, when the Board of State Tax Commissioners began its work, the assessed valuation of the state has increased from \$968,000,000 to \$1,418,000,000 in 1902, an increase of \$450,000,000. Of this vast sum the increase in personal property was \$189,000,000. For the purpose of comparison it is interesting to note that during the 13 years previous to 1899 the total increase in personal property assessment was only \$3,000,000. . . The immense increase of \$189,000,000 during the period of three years emphasizes the imperative necessity of state supervision and control over assessing officers, for this result could never have been attained had not systematic attention been given to large properties which previously had been undervalued and in many cases had escaped assessment altogether. . . The knowledge of the commission gained by experience and the employment of skilled assistants has enabled it to render assessing officers invaluable service, has brought large amounts of property to the rolls, and at the same time, there has been uniformity in assessment. As an illustration, to ascertain the value and secure uniformity of assessment in different districts through which electric railway lines extend, requires examination by experienced and practical men, and this can be made only under the direction of a board like the Tax Commission, having knowledge of such properties and authority to enforce its judgment. . . " 8 Ja 03, p.8-9

- h **Minn. Van Sant.** " . . . I earnestly recommend that you provide for the resubmission to the people of the amendment [taxation] as submitted at the last election. Should such proposed amendment be submitted to the people and be adopted and ratified, the door would then be open for new methods of taxation. Under such conditions the Legislature would be enabled to pass a graduated income tax; also a registry tax on all mortgages, a tax on franchises, and, if desired, to provide for a gross earnings system as to public service corporations in lieu of direct taxation. In a word, it would permit tax reform and all the property in the state could be brought under equal and uniform taxation. Should an amendment of the character indicated be passed and ratified, the Legislature would then be enabled to pass such legislation as would largely increase the public revenues, which, together with the proposed gross earnings law pertaining to railway companies, would make it possible to do away entirely with taxation for state purposes. Experience has taught us that it is utterly impossible to pass a code changing the entire system. Legislation along tax lines must come by evolution, and till the constitutional limitations are removed, in my judgment it would not be wise to enter on general tax legislation. . . "

7 Ja 03, p.20

- i **Or. Geer.** "I regard an amendment to our laws on taxation providing for raising revenue from corporations as one of the first duties which call for your prompt attention. This should include a tax on inheritances, a just and equitable manner of raising revenue



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that has been adopted by many states with satisfactory results. Real estate, a form of property that is always in sight, and, therefore, easily found by assessors, but which is generally less productive than many other kinds of property, has long been, and is now, the bearer of the greater share of our governmental burdens."

10 Ja 03, p.7

- j **Tenn.** Frazier. "I can not too strongly impress on you the impropriety of biennially enacting new revenue and assessment laws. Such a course results in confusion, uncertainty, litigation, and delay in the collection of taxes. . . "

23 Ja 03, p.18

- k **Tenn.** Frazier. "The State Equalization Board now consists of the comptroller, treasurer, and secretary of state. . . Their examinations of these assessments must necessarily be hurried, and hence can not be as thorough as their importance deserves. . . The railroad commissioners, charged with the assessment of railroad, telegraph, and telephone properties in the state, are, by reason of their position, constantly studying questions of taxation and value. . . I recommend that the railroad commissioners be constituted the State Board of Equalization and be required to perform the duties now devolving by law on that board, without additional compensation."

23 Ja 03, p.20

- l **Tex.** Sayers. "The comptroller recommends legislative action looking to the improvement of the present system for the assessment and collection of taxes. The subject was brought to the attention of the 26th and 27th Legislatures, but nothing was done. It is strictly true that the amount of property escaping taxation steadily increases year by year, and that when rendition is made, it is so rated as to hardly reach one third of its true market value. . . Again, the disparity among the counties in the valuation of lands is such that, when generally understood, can not but cause great discontent. Investigation will show that the poorer and less fertile lands are assessed much higher in proportion to their value than are the richer and more productive. . . "

16 Ja 03, p.6

- m **Wis.** La Follette. "The Legislature of 1901 came from the people commissioned to enact such legislation as would require each individual and every corporation transacting business within the state to pay a just and equal share of the taxes. To aid them in the discharge of this duty to their constituents, they had been provided with a tax commission composed of able gentlemen, skilled in the subject of taxation, who had given it much study, and who had been authorized to employ at public expense whatever assistance should be necessary in furtherance of the work. . . With unanimity not usual in any legislative body, the bills designed to secure a uniform and more complete assessment of the property of individuals and private corporations were passed through both branches of the Legislature, though the bills designed to insure the payment of a more justly proportionate share of the taxes from railroad and other public service corporations were defeated in the

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Assembly late in the session, and were never reported for action from the committee to which they were referred in the Senate. . . "

15 Ja 03, p.9

- 1 **Wy. Richards.** " . . . The increase in our large taxable valuation in the last two years has been gratifying, but it is not what it should be, and I therefore recommend that the entire revenue law of our state be revised to meet conditions as they exist with us today." 13 Ja 03, p.5

3 **Temporary commissions and special investigations**

- a **R. I. Garvin.** "I recommend the appointment of a joint special committee on taxation, to report at this session of the General Assembly and not later than Mar. 1." 6 Ja 03, p.11
- b **W. Va. White.** "The final report and recommendations of the [Tax] Commission were made Oct. 20, 1902. . . " 14 Ja 03, p.12

07 **Separation of state and local taxation**

- a **N. Y. Odell,** 7 Ja 03, p.9.
- b **Or. Chamberlain.** "The tendency of modern times is to bring about as near as possible a divorcement of local and state taxation, and there is no reason why, by a proper law taxing inheritances and local and foreign corporations doing business in the state, as well as the valuable franchises which they enjoy, Oregon may not, following in the footsteps of other states, raise the greater part, if not all, the revenue necessary for state purposes." 14 Ja 03, p.8
- c **Vt. McCullough.** "It seems to me, without unjustly or improperly burdening any interest, that all the expenses of the state government can be raised by indirect taxation, and relieve real estate entirely, and I commend this subject to the intelligent consideration of the Legislature." 3 O 02, p.8-9
- d **W. Va. White.** "With many others, I have been of the opinion that West Virginia could raise all needed revenues without levying a tax for state purposes on real and personal property. New Jersey has had no state tax for many years. Pennsylvania has no state tax on her lands. The state of New York has reduced her state taxes many millions of dollars recently, and will probably abolish them altogether. The State of Ohio just last year reduced its state taxes from 28c on the \$100 to 13½c. In West Virginia we have levied a state tax for general and school purposes of 35c on the \$100, 10c being for the general school fund, and 25c for general purposes. . . " 14 Ja 03, p.13

9 **Exemptions from general property tax**

*See also* under special classes of taxes, *also* Encouragement of industries, 1630

2 **Charitable, educational and religious institutions and societies**

- 1 **Ga. Candler,** 22 O 02, p.23-24; exemption of colleges recommended.
- 2 **Ga. Terrill.** " . . . I . . . recommend the submission of a constitutional amendment authorizing the General Assembly to exempt

from taxation the endowment funds and investments of all educational institutions." 8 N 02, p.9

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**Assessment**

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**General and miscellaneous. Return by taxpayer**

- a **Mon. Toole**, 5 Ja 03, p.17-21; inequality in assessments. **N. C. Aycock**, 7 Ja 03, p.3-4; inequality of assessments. **N. D. White**, 8 Ja 03, p.15; reassessment of property that has escaped taxation. **Or. Chamberlain**, 14 Ja 03, p.4-6.
- b **Arl. Brodie**. "... I earnestly recommend that the office of assessor in each county in the territory be made elective instead of appointive, in order that each assessor shall be responsible to the electors of his county for the proper performance of his duty." 19 Ja 03, p.10
- c **Ind. Durbin**. "The statute authorizing the annual meeting of the county assessors has been of much benefit in that it has helped to equalize values in the assessment of personal property, and by the interchange of information between counties there has resulted the discovery of quite an amount of omitted property." 8 Ja 03, p.12
- d **Neb. Savage**. "It is important . . . that the law requiring all property to be assessed at its cash value be rigidly enforced. . . With our property assessed at scarcely 10% of its value, it must result in a high rate of levy. . . Those seeking investment consult our laws and our records and, if they find that the combined wealth of Nebraska is \$174,000,000 after more than a third of a century of statehood, and that the tax levy is higher than are interest rates, they will not be likely to take up their abode with us. . . " 6 Ja 03, p.24
- e **Nev. Sadler**. "The act of 1901 providing for a meeting of the assessors from the various counties of the state to fix values on the different classes of property was contested by the Central Pacific Railroad enjoining the assessors from acting under their agreement as made under the law. . . " 23 Ja 03, p.15
- f **Nev. Sparks**. "State board of assessors. In addition to the explanation given by Governor Sadler relating to the operation of this act, I desire to add a recommendation that the law be amended in a manner making it more effective. . . It is certainly a good plan for the assessors to meet and consult together regarding assessment and taxation throughout the state, and, by agreeing on a uniform valuation of property that can be classified, they will be better prepared to give equal taxation." 23 Ja 03, p.8
- g **Or. Chamberlain**. "... An examination of the assessment rolls will disclose that a majority of the counties have decreased their aggregate valuations, when every man in the state knows that there is not a single county in the state but has increased in both population and wealth. The record made would seem to indicate that the assessors were vying with each other as to who can place the lowest valuation on the properties of their respective counties,

with the evident end in view to escape a just proportion of the expenses of state. I . . . earnestly urge that you provide for the appointment by the executive of a commission to prepare a general assessment law, to be reported to the next Legislature for adoption or rejection. . . "

14 Ja 03, p.4-5

- h **Tenn.** Frazier. "That some provision for the back assessment of property is essential to secure for the state its just dues under the law I have no doubt. . . The power of back assessment, while possibly necessary to protect the state against wrong, is, nevertheless, one that should be hedged about with proper limitations, so as to prevent any injustice to any citizen or serious disturbance to the business affairs of the state. . . "

23 Ja 03, p.19

- i **U.** Wells. " . . . The board [State Board of Equalization] . . . recommends that more stringent legislation be enacted for compelling county commissioners to have maps prepared for use of assessors; that specific penalties be imposed for failure by county auditors to make their reports on the date required by law; that the secretary of the state land board be required to furnish assessors each year the total amount paid up to the time of making the report, on each piece or parcel of land sold by the state, with name of purchaser, and that a law be passed defining coke as one of the products from which coal mining companies receive net proceeds."

13 Ja 03, p.37

- j **Wis.** La Follette. "To the well directed administration of the law creating the office of supervisor of assessment and the diligence of these county officials in the field, may be largely attributed the marked advance made, both in the uniformity and in the more complete assessment of the property of individuals and private corporations taxable under the law. Since the public interest was first aroused on this subject, and through the effective direction of assessors by the Tax Commission and by supervisors of assessment, there has been added to the tax roll more than \$50,000,000 of intangible property in the form of notes, bonds, mortgages and other credits. . . "

15 Ja 03, p.10

- k **Wy.** Richards. "The assessors should be required to list the property of a taxpayer after personally questioning him, under oath, as to each item in the schedule, in order that all personal property, as nearly as possible, may be assessed, at its actual value. . . "

13 Ja 03, p.5

## 20 Assessment of real estate

- a **Mon.** Toole. " § 3698 of the Political Code, as amended in 1897, provides for the appointment of appraisers to fix the valuation of real estate for the purpose of assessment by the assessor in counties having an assessed valuation of \$8,000,000 or over. In my opinion, this method is an unnecessarily expensive one with no corresponding benefit. . . "

5 Ja 03, p.14

- b **Or.** Chamberlain. " . . . I am advised that deeds executed to individuals conveying many thousand acres of valuable land, are

## Assessment

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and hence such lands entire  
ment of a law requiring the  
days after delivery. . . "

14 Ja 03, p.2

### Property

of personal property assessed  
several millions than it was 30 years  
assessors found nearly \$220,000.00  
few years later the assessment had  
half of that sum, and, though the  
it amounts, for the current year

7 Ja 03, p.1

will be brought to bear on yo  
taxation, in whole or in part, the va  
estate mortgages, under the arg  
s involved. There is no more reaso  
estate should be favored than the  
which pays a tax, if the law is fo  
fers. The result of thus favoring th  
estate is either that mortgage credi  
taxation, or that indebtedness, whe  
gage, may be deducted from the val  
owner of personal property chatte  
being permitted to deduct his indebt

8 Ja 03, p.1

present method of mortgage taxation  
only a small proportion of the whole, at  
Whatever may be the reasoning as to  
of imposing such a tax, the experience  
has demonstrated beyond any question  
mortgages must be paid by the borrow  
extent it becomes double taxation. V  
even, the disinclination of local assessors  
money, on the theory, in which there  
mortgage taxation were entirely abolished  
be imposed on real estate free from mortga  
become, therefore, that, while it is impossible  
to entirely eliminate some form of taxation  
ever found, that we can still satisfy the localit  
distribution of the tax and thus bring abou  
tax, with the natural sequence, a lowering of t  
I recommend therefore that the rate of taxat  
shall not exceed 4 mills annually, and be in lieu  
Yes, the mortgages to be assessed locally, two thirds  
collected to go into the local treasuries and one th  
to, excepting only from the operation of this law mo  
and bonds held by savings banks, fraternal orders, lo  
and loan associations, life insurance companies and ch

itable, religious and educational bodies. This law would produce as near as can be estimated \$8,000,000 annually. . . Bonds of corporations, owing to the difficulty of reaching them for taxing purposes, can be left for assessment under existing law."

7 Ja 03, p.6-9

- d **Tenn.** Frazier. "While the present law has been a great improvement over its predecessors in the assessment of personal property, I am convinced that under its most careful enforcement a large amount of personal property yet entirely escapes taxation. . . Of 14 southern states, embracing Missouri and West Virginia, Tennessee is the lowest in the ratio of personal property taxed to the whole, and in all but three the ratio is more than double that of Tennessee. . . "

23 Ja 03, p.18

- e **Wis.** La Follette. "With the rapid accumulation of wealth, the increase in the amount and value of intangible property but strengthens year by year the reason and justice of its taxation in some form. That vast accumulations of wealth may be invested in interest-bearing securities, insuring large incomes to the holders, who throw their share of the expense of maintaining streets and schools and public institutions, and all the burdens of municipal and state government on the owners of factories and shops and stores and farms and homes, violates every principle of equal rights and equal responsibilities guaranteed to each American citizen. . . "

With respect to mortgage taxation, which, it is to be remembered, represents only a part of the vast amount of intangible property subject to taxation, it is not so difficult to discover and secure the assessment of the property interest represented by the mortgage. This may easily be done by assessing the mortgage as an interest in realty, and providing that, if the tax levied thereon be not paid by the owner of the mortgage interest, it may be paid by the owner of the mortgaged property and deducted from the amount of the mortgage debt. As no piece of taxable property should be taxed twice, wherever this plan is proposed it is agreed that the owner of the mortgaged real estate should have the valuation of the assessment on his mortgaged premises reduced at the time of the assessment, by deducting from the value thereof the amount of the mortgage thereon. . . "

15 Ja 03, p.10-11

### Review. Equalization. Adjustment

15

For equalization by state boards *see also* General and miscellaneous, 80

- a **S. D.** Herreid, 6 Ja 03, p.7-11. **U.** Wells, 13 Ja 03, p.37.
- b **Mon.** Toole. "I . . . recommend a constitutional amendment giving this board [of equalization] plenary power so to adjust and equalize assessments that all taxable property in the state will be assessed at uniform rates and at its full value in money, without reference to an increase or decrease of the aggregate value of the same as returned by the assessors."

5 Ja 03, p.4

I recommend that the duties of the State Board of Equalization be broadened so that it shall have authority to make assessments for state purposes in harmony with the general law, and that county boards be given such powers as may be needed in order to carry out the provisions of the law.

6 Ja 03, p.4.

I would recommend that either the time for the audit be at the auditor's office, or the date for the audit be changed, so as to give the Board of Equalization sufficient time for checking up the assessment. In connection I would also suggest that the auditor be empowered to enforce the correction of any assessment when the same has been returned incorrect in figures or abstract."

19 Ja 03, p.7

While the assessed value of the territory has been increased last year by \$1,656,945.33, it is still far below the true value. As it seems impossible to get the assessors to perform their duty, I would recommend that the powers of the Board of Equalization be increased, so that it may fix and equalize the assessments of the several counties, as well as between the different parts of the territory."

19 Ja 03, p.17

The last two years constitute the only period in the history of the State when there has not been a general and some-what complaint against the inequalities of assessment. Two years ago I devoted a large part of my message to an elaborate discussion and presentation of the subject. I followed all my predecessors, concluding with the following: "In my judgment you should adopt one of the best one, if it can be had, will be to devise a law which the state can assess a certain amount against the several counties for state purposes, in proportion to its wealth or so that the first taxes collected shall be paid to the state. This would at once and effectually destroy the system of unequal valuation, would result in a benefit to the state, remove the annoyance and expense of delinquent taxes, and with the necessity for a state board of equalization. A resolution was adopted by the Legislature and a bill on the subject of assessment was passed. The expectations of its supporters is evidenced by the fact that the question has been eliminated from the list of subjects for the scope of public discussion. There seems to be no where to attack the central feature of this law."

10 Ja 03, p.4-

The state board should be a board of equalization, instead of in name only, as at present. On it should be conferred the power to change valuations as equalized by the county boards, and such changes as it directs in this respect to be made in the books of the several counties. Any person

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or corporation so desiring should have the right to appear before the state board, but the decision of that board on all questions relating to valuations should be final." 13 Ja 03, p.20

827

**Collection**

- a **Mon. Toole.** "Attention is called to the fact that the present law authorizing the assessor to collect personal property taxes not secured by real estate is unconstitutional. . . ." 5 Ja 03, p.29
- b **N. M. Otero.** " . . . I would suggest that the collectors be directed to accept any amount tendered in payment of taxes, and issue his official receipt for the amount tendered." 19 Ja 03, p.7

829

**Delinquent taxes. Tax sales. Redemption**

- a **Col. Orman,** 10 Ja 03, p.61-62; delinquent tax interest. **Ind. Durbin,** 8 Ja 03, p.3. **Neb. Mickey,** 10 Mr 03.
- b **Neb. Savage.** " . . . A conservative study of tax statistics discloses the fact that the average annual delinquency is 30% of the taxes levied. I recommend that . . . county treasurers be empowered to convey title to property on which the taxes are unpaid, making due provision for redemption of title within a specified time, and for interest on money advanced for tax payment. Payment of taxes on movable and personal property should be due within 60 days after the assessment, so as to guard against loss of taxes through removal and consequent extinction of identification. For the prompt collection of taxes county treasurers should be made liable on their bonds." 6 Ja 03, p.23-24

831

**Poll taxes***See also Road taxes, 2713*

- a **Ari. Brodie,** 19 Ja 03, p.9; collection.

832

**Business taxes. Revenue, license or privilege taxes***See also Liquor licenses, 976; Incorporation taxes, 842*

834

**Miscellaneous occupations, etc.**

- a **Mo. Dockery.** "The 'act to provide for a state license tax on distilled liquors, including whisky, brandy, rum, gin and distilled spirits of all kinds, wines and all kinds of vinous liquors,' etc., has been declared unconstitutional by the Supreme Court of Missouri. . . ." 8 Ja 03, p.4
- b **Mo. Dockery.** "The fees collected under the modified beer inspection law passed by the last General Assembly, aggregate \$770,613.78, of which \$201,341.83 accrued prior to the passage of the amended law, and \$569,271.95 since that law became operative. The average monthly receipts from inspection fees is in excess of \$25,000. This law has fully vindicated the judgment of those who favored its enactment, and has proved to be a popular and beneficent measure." 8 Ja 03, p.4



- c **N. C. Aycock.** " . . . The recommendation of the [state tax] commission that a tax should be levied for state purposes on distilleries, rectifying establishments and saloons seems to be well founded. The state has heretofore levied a tax on saloons for the use of the school fund only. . . " 7 Ja 03, p.7

835

### Tax on deeds and contracts

- a **N. Y. Odell.** " For further revenues I recommend a tax of 10c on each notary certificate, which will produce \$750,000, and a tax of 10c per hundred dollars for the recording of all transfers of property, real or personal, to be known as a recording tax, which from the best available data at hand will produce \$1,200,000 annually. . . " 7 Ja 03, p.9

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### Inheritance taxes

- a **La. Heard,** 12 My 02, p.12; levy of inheritance tax for benefit of school fund recommended.
- b **Mich. Bliss.** " The statute providing for the collection of a tax from the transfer of property by will or inheritance has added a considerable revenue to the primary school interest fund, and this will probably increase from year to year with the growth of the state in population and wealth. The law, however, is in such faulty form that this Legislature should see that it is so amended that no uncertainty will exist in regard to its terms. . . " 8 Ja 03, p.18
- c **Mo. Dockery.** " The constitutionality of the act providing for the taxation of ' collateral inheritances, legacies, gifts and conveyances in certain cases, to provide revenue for educational purposes, for the maintenance and support of the Missouri State University and its departments,' has been sustained by the Supreme Court. . . " 8 Ja 03, p.5
- d **Or. Chamberlain.** " In New York and other states, statutes have been enacted imposing taxes on inheritances. Such a system of taxation ought to be essayed in Oregon. It has been objected that there are no such colossal fortunes here as would warrant or justify the imposition of taxes on inheritances either direct or collateral. This is in part true, and for that very reason there would be less opposition to such legislation now than there would be if it be postponed to a later date. The records of the county courts in every county in the state will disclose the astounding fact, that many, if not all the estates going through probate, escape a just share of the burdens of taxation during the lifetime of the testators or intestates." 14 Ja 03, p.8
- e **Wis. La Follette.** " The inheritance tax law, enacted as ch. 355, laws of 1899, was held in *Black vs The State*, 113 Wis. 205, to be unconstitutional, on the ground that certain of its provisions established unjust and unlawful discriminations between persons in the same class in violation of the rules of uniformity and equality. In its decision the court says: ' We have reached this conclusion

reluctantly. We should far rather have sustained the law, but the conclusion has been forced on us. We agree with the general principles which have been approved by the overwhelming weight of authority in the courts in this country in reference to inheritance and succession tax laws.'"

15 Ja 03, p.14

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## Corporation taxes

Including taxation by general property tax

841

### General and miscellaneous

- a Del. Hunn, 6 Ja 03, p.7; receipts from corporation and franchise tax.
  - b Ark. Davis. "The present board created for the purpose of assessing railroads and other corporate property in this state has increased the assessment on that character of property more than \$5,000,000 during my administration over and above any other assessments that have ever been made in this state. . . "
- 14 Ja 03, p.31
- c Or. Chamberlain. "What might be done in this state by a conservative system of taxation of corporations is indicated by the amount of revenue derived for state purposes from insurance companies alone. Under the statutes, they each pay a license fee and an annual tax of 2% on gross premiums less losses and premiums returned. . . Why may not a system be devised for making each and all of these corporations, organized as they are under the laws of the state, contribute directly to the expense of state administration, either by license fees or taxation proportioned to capitalization, or both? Telephone, telegraph, express, surety and railroad companies, whether organized abroad or under local statutes, could be brought within the same category as insurance companies, and so the burden now borne by real estate measurably lightened."
- 14 Ja 03, p.6-7
- d Tex. Sayers. "It may be added that there are many corporations doing business in the state that pay no tax of any kind whatever; and, also, that there is no good reason why a corporation should be notified as to the date when its franchise tax is due. The individual taxpayer is required to have knowledge of the law. The officials and directors of every corporation should be made, under sufficient penalty, to promptly inform the state department of its abandonment of business, or its dissolution, and inasmuch as they have entire control of its assets, to be responsible for the payment of this tax."
- 16 Ja 03, p.10
- e W. Va. White. "In this connection I desire to call attention to the successful workings of House bill no. 277, passed by the last Legislature, which, among other things, changed and reclassified the rates of the annual license tax on the charters of corporations. Under the operations of this act the receipts increased for the year 1901 over \$240,000 above the highest amount ever before received

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from this source of taxation. A marked tendency of this act has been to raise the standard of West Virginia corporations and to restrict and shut out undesirable concerns. The revenues from the act fell off nearly \$5000 for the second fiscal year, reaching \$375,500.40, but this is easily explained by the decrease in the capital stock of 53 resident and 88 nonresident corporations, and the fact that quite a number of corporations withdrew their charters from this state on account of the increased tax. It is estimated that the income from this source of taxation will increase during the present and succeeding years, as the law becomes better known. The corporations now coming into our state are of better character, and there will be a less percentage of their charters forfeited from year to year."

14 Ja 03, p.6-7

842

**Incorporation and license fees and taxes**

**Ari. Brodie.** "I desire to call the attention of the Legislature to the fact that our liberal corporation laws have been the means of bringing about the organization in our territory of a large number of corporations during the past several years. At least one of the states in the Union which has not as liberal laws as our own in respect to the organization of corporations, is deriving sufficient revenue from fees collected from corporations organized within its jurisdiction to cover, or nearly so, the expense of the state government; therefore, there is no reason why, with a fair and just fee charged by our territory to the corporations which take advantage of our laws and organize in Arizona, sufficient revenue should not be derived by the territory to assist in defraying its current expenses."

19 Ja 03, p.7

**Mon. Poole.** "... A domestic corporation with a capital stock of \$1,000,000 must pay to the state \$503, while a foreign corporation capitalized for the same sum and for the same purpose has to pay only \$30. ... The fees should be the same. ..."

5 Ja 03, p.46-47

**Pa. Stone.** "... The bonus on capital stock paid through the secretary of the commonwealth was double that of a similar period ten years ago, and four times that of eight years ago. These increases in the revenue of the state justify the wisdom of recent legislation which enables corporations desiring to do business in the state to take out charters here rather than in other states, thus bringing the bonus and fees into our own state treasury."

6 Ja 03, p.2

**Wash. McBride.** "Our laws provide that every corporation organized under the laws of this state, having a capital stock of \$100,000 or more, shall pay to the secretary of state, for the use of the treasury, a fee of \$10, payable on the filing of the articles of incorporation. Every corporation incorporated under the laws of any other territory of the United States, or of any foreign state, organized to pay a like fee on the filing of a certified copy of

its articles of incorporation. In some of the states the fee payable on the filing of such articles is made to depend on the amount of the capital stock of the corporation. . . I would therefore recommend that the fees for filing articles of incorporation, or certified copies thereof, in the office of the secretary of state, as well as the annual license fees required of corporations for the privilege of doing business in this state, be made to bear some relation to the capital stock of such corporations; and that some method be adopted insuring the payment of such license fees when they fall due. . . "

13 Ja 03, p.21-23

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### Banking institutions

*See also Banking, 1677*

- a **Me.** Hill. "The 51 savings banks of Maine contribute nearly one fourth of the total revenues of the state, having paid a tax of \$537,720.51 during the past year. . . The tax should be reduced to an average rate of not more than one half of 1%, and in order that this may be done without materially affecting the revenues of the state, I recommend a horizontal reduction of one eighth of 1% to take effect the coming year, and a further reduction of one eighth of 1% to take effect in 1904. . . " 8 Ja 03, p.6-7
- b **N. H.** Bachelder. "Thirty-one banks were in process of liquidation Jan. 30, 1900. . . The failure of these banks has left localities without savings bank accommodations, and this, with other considerations, has induced some national banks to open accounts with depositors, to whom a small rate of interest is paid, thus doing a savings bank business. It is charged that such deposits, while legally taxable to the owners as money in hand, escape the taxation which those in savings banks are compelled to bear, and are therefore unjustly favored. . . It is suggested that the national banks should be required to make returns which will disclose to the local assessors the ownership of the interest-bearing deposits, that they may be taxed at the local rates, which would undoubtedly result in their withdrawal and investment elsewhere." 7 Ja 03, p.6-7

### 43 Transportation and transmission corporations

*See also Transportation, 1200*

- a **Ark.** Davis, 14 Ja 03, p.31-32; delinquent railroad taxes. **Wis.** La Follette, 15 Ja 03, p.15-25. **Tenn.** McMillin, 12 Ja 03, p.18-19.
- b **Ga.** Candler. "Under the present law, the act of 1874, as amended by the act of 1889, the presidents of the railroad companies operating in this state are required to make a return under oath to the comptroller general of 'each class or species of property to be separately named and valued' . . . There should be no separation of the items entering into the building and operation of a railroad. It should be treated as a unit. . . The true measure of the value of any piece of property is its earning capacity. . . Nobody is so well fitted to judge of the value of a railroad as the men who deal in

the stocks and bonds of railroads. Perhaps every railroad in the state has, in addition to its stock, a bonded debt. Its true value is indicated by the price at which its stock and bonds sell in the markets. If a railroad company has put on the market a million of dollars of its bonds and a half million of its stock, and if these bonds and its stock sell in open market at par, the real value of the road is a million and a half dollars, because it pays a fair interest on that amount and therefore ought to be taxed on that valuation. . . I therefore recommend that a law be enacted making the aggregate market value of all the stock and bonds of a railroad partly or wholly in this state the basis of taxation of such railroad when its stocks or bonds, or both, have a market value, and that, when they have no market value, the price at which the materials in the road and equipment would probably sell if taken up and offered at auction be taken as its true value, and that the proper officer of such companies be required to return their property for taxation on this basis. . . "

22 O 02, p.18-22

- c Ga. Terrill. " . . . There is a class of franchises held by certain quasi public corporations which, though valuable in themselves and adding value to the capital stock, have, in the past, escaped taxation because of a want of a provision in the statutes requiring these franchises to be returned or assessed. . . It will probably be sufficient to amend § 767 vol. 1 of the code so as to include all franchises, whether of resident or nonresident corporations doing business in this state, which add value to the capital stock or to the tangible property of the corporation. A further amendment to § 780 and 803 of the code may be necessary so as to require officers making returns for a corporation to state 'the value of the corporate franchise exclusive of its other corporate property' . . . "

8 N 02, p.4-5

- d Ill. Yates. "The state's share (as tax) of the gross receipts of the Illinois Central Railroad for the year ending Oct. 31, 1902, is \$942,061.19. This sum represents \$2580.85 for every day in the year, and it also represents 4% on very nearly \$25,000,000, which sum may fairly be said to represent the proprietary interests of the state in the Illinois Central Railroad. . . "

7 Ja 03, p.47

- e Ind. Durbin. "Experience has demonstrated that the amendments to the tax law made by the Legislature of 1901, in that the assessment of street and electric railroads, intercounty gas and pipe lines, etc., is now delegated to the State Board of Tax Commissioners, have given more uniformity to values, because of the merging of this class of property within the province of a single taxing authority. . . "

8 Ja 03, p.12

- f La. Heard. "The wisdom of the Constitution in providing for a state board of appraisers for the valuation and assessment of property belonging to corporations, associations and individuals engaged in railroad, telegraph, telephone, sleeping car and express business, has been fully demonstrated. Practical uniformity and

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equality in the assessment of this class of property having been accomplished, the question naturally arises as to the advisability of extending the powers of the Board of Appraisers to include the assessment of other classes of corporate property." 12 My 02, p.6

- g **Mich. Bliss.** "The Tax Commission, acting as a state board of assessors, under act no. 173, passed by the last Legislature, has just completed its first assessment roll of the steam railroad property and the property of express companies, refrigerator and fast freight line companies. . . It is clear to me, as it must be to all who have given the subject intelligent consideration, that the board has not yielded to clamor for high valuation against this class of property, nor has it been awed or unduly influenced by this immense aggregation of wealth, but has been actuated only by a desire to do its full duty. The amount of taxes from railroad properties due in July 1902, was \$1,483,906, while the amount resulting from the assessment just referred to will be \$2,850,211. Under this assessment the property of express companies, car-loaning, stock car, refrigerator and fast freight line companies yields at the average rate of taxation about \$78,268. . . " 8 Ja 03, p.10-11

- h **Minn. Van Sant.** " . . . At the last general session a law was passed making it the duty of the public examiner to examine the books and accounts of all corporations which by law pay taxes to the state on a gross earnings basis. Under this law the public examiner has been enabled to examine the books of the different railway companies and to ascertain whether the amounts required by law on gross earnings have been properly computed, and paid to the state. These examinations have brought a large sum of money to the state treasury owing to the discovery of errors and oversight in computations on the part of certain railway companies. . . " 7 Ja 03, p.15

- i **Minn. Van Sant.** "A matter of much importance and one in which the people of our state are greatly interested will, without doubt, enlist your attention. I refer to the gross earnings system under which railway companies pay into the state treasury in lieu of taxes 3% of their gross earnings. Our state seems committed to this policy, and the simple question for your consideration is, should the rate now fixed by law be increased? . . . In view of the fact that officials and others who have given the matter thorough consideration have concluded that a rate of 4% is just and equitable and substantially exacts from railway companies what they would be required to pay if they were subject to direct taxation, I recommend that the rate be fixed at 4%." 7 Ja 03, p.23-25

- j **Mo. Dockery.** "The franchise law, enacted by the last General Assembly, has greatly simplified the assessment of public service corporations. While franchises were in fact assessed prior to the passage of this act, grave uncertainty existed as to the power of the state to tax this class of property under the then existing laws. The new law leaves no question as to the legality of the assessment.

service corporations has reached \$120,-  
 the past two years of \$17,500,000, or more  
 case in the assessment of real and personal  
 period is scarcely 5%." 8 Ja 03, p.4-5  
 board [of equalization], under the Constitu-  
 and adequate power to assess railroad prop-  
 it made a new departure in assessing rail-  
 was almost nominal, but it was a beginning.  
 assessment on railroads, roadbed, right of  
 equipment etc., from \$15,485,670.17 to \$32.

5 Ja 03, p.2

has always appeared to me to be dangerous to  
 having officer which permits him to discriminate  
 assessments, and that the nearer, therefore, we  
 system which has for its object a constant valu-  
 we are to a perfect system of taxation. . . . The  
 is still the subject of litigation, seems to r-  
 ears that it has been in operation to have demo-

equitable, and a source of annoyance and co-  
 Some corporations can bear this burden witho-  
 owing. But, as is well known, the continu-  
 over railroad traffic and the demands for lightin-  
 and other public utility facilities have perha-

existence many corporations which can not bear the  
 which is now imposed under the present law.

as with individuals we should be fair, and, whi-

corporations had not been paying the proportion-

and, still whatever is of value for a franchise shou-

the state, because it creates the corporation; whi-

the streets there should be a direct contract betwe-

seeking such privileges and the municipality affect-

me, therefore, that the only safe and conservati-

ing such corporations is on their earning capacity.

should not permit unfair discrimination. This wou-

lications and would be a much safer system tha-

operation." 7 Ja 03, p.4.

The laws now in the statute books provi-

assessment, but by equality of assessment it is ne-

those who have secured franchises from the sta-

pay special privileges should be exempt from pa-

on the value of the franchises and privileges whic-

Justice Miller, in a case before the Supreme Cou-

States, declared that, 'it has been a desideratum, pe-

attained, to find a method of taxing this spec i-

which will be at the same time just to the owners

in its relations to taxes on other property, a

the just contribution that such property shou-

benefits which more than property generally it receiv-

at the hands of government.' The law now on our statute books for the taxation of railroads follows the line of this decision. That law provides the method for ascertaining the value of the property of the railroads, and the method provided seems to me to be fair and just. This law has the advantage of having been passed on by the Supreme Court of the United States in cases going to that court from other states. Much of the value of corporations is intangible, and no tax law which ignores this intangible property is just to the owners of tangible property assessed at its true value. The law now in force recognizes this fact and provides for the assessment of this intangible property, and lays down rules by which it can be done with reasonable accuracy. These rules proceed on the idea that 'whatever property is worth for the purposes of income and sale, it is also worth for taxation.' No just man demands more than this, and no fair minded man can justify anything less."

7 Ja 03, p.4

- n R. I. Garvin. "I commend to your consideration, as right in principle and effective in practice, the so called Ford law of New York, enacted when President Roosevelt was governor of that state, and with his earnest approval. Under that law all quasi public corporations pay taxes on the public franchise which they possess, at the same rate as private citizens pay taxes on their real estate."

6 Ja 03, p.11

- o Wash. McBride. "... The aggregate assessed value of all railroad property in the state, used for railroad purposes, is \$20,604,659. By those who have inquired into the matter, the statement that this property is worth at least \$200,000,000, is deemed conservative. But I am not advocating that it should be assessed at the full sum of \$200,000,000; for I believe that throughout the state, quite generally, property is assessed something below its real value. But that the disproportion between the real and the assessed value of other property is anywhere nearly so great as the disproportion between the real and the assessed valuation of railroad property, no one can be found to contend. . . The State Board of Equalization, consisting of the secretary of state, the commissioner of public lands and the state auditor, is powerless to afford relief in the matter of the proper assessment of railroad property. This board simply apportions among the several counties the amount of tax to be raised in the state for state purposes. . . The valuation placed on railroad property by county assessors, as equalized by the boards of county commissioners, is the basis on which the tax levy is made for both state and county purposes. . . In the event of the passage of a railway commission bill, the commissioners selected would necessarily have to ascertain the value of all the railroad property in the state. They might be required to certify such values to the State Board of Equalization for its information and guidance; or, what would, perhaps, be better, they might be made ex officio members of the board."

13 Ja 03, p.18, 19, 21



p **W. Va. White.** "I call your attention in this connection to the advisability of levying a tax similar to that levied by the Cole law recently adopted by the Legislature of Ohio, on the gross incomes of quasi public corporations. . . The Cole law in Ohio levies an excise tax of 1% per annum on the gross incomes of corporations which are engaged in public service. It is a tax on the electric light, gas, natural gas, pipe line, waterworks, street, suburban or interurban railroad, express, telegraph, telephone, messenger or signal, union depot, and railroad companies. This tax in Ohio is in addition to their franchise license tax, and their state tax on the real estate, etc., owned by these corporations. . . Our present tax laws and the laws recommended by the Tax Commission levy excise taxes on a number of the companies enumerated in this Ohio law. It is not necessary to levy this tax on all the corporations covered by the Ohio law, but I recommend that such a tax be levied on street car lines, railroad companies, etc., which are not reached under the excise taxes of existing laws or laws recommended by the Tax Commission. . . "

14 Ja 03, p.14-15

q **W. Va. White.** "The assessment of railroads for taxation purposes is one of their [Board of Public Works] important duties; and in this connection I would note the fact that the assessment of our railways for taxation purposes has been increased nearly \$3,000,000 in the past two years. The railways this year were assessed for taxation purposes at nearly \$26,000,000. . . "

14 Ja 03, p.90

t **W. Va. White.** "A change in the assessment laws of the state should be made so that the railroad and street car companies should make out their returns to the State Board of Public Works for all the property they own, whether it is assessable for railroad purposes or not. If any of it is taxed by local or other authority, a sworn certificate should be attached, showing by whom it is assessed and at what valuation, and the Board of Public Works should be given the power to raise this valuation if they deem it insufficient. . . "

13 Ja 03, p.94

• **Wm. La Follette.** " . . . After weeks and months of delay, during which lobby agents and representatives of the railway companies were busy, the recommendations of the Tax Commission were rejected and the bills prepared by them and submitted to the Legislature, in accordance with law, were defeated in the Assembly, and on the same having been delayed in the Senate till after the new law proposed by the Tax Commission had been beaten in the Assembly. Again the question of equalizing the burdens of taxation has been submitted to the people of Wisconsin; and your honorable body assembles with obligations renewed for the third year, and with responsibilities increased, finally to accord justice to the taxpayers of this commonwealth. . . In determining that we should abandon the license fee system of railroad taxation in Wisconsin, the commission will simply reaffirm the declaration

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made two years ago that the license fee system would be 'super-seded by a more scientific method' of railway taxation. . . The license fee system if fairly adjusted as between railroads and other taxable property of the state today on an agreed percentage would furnish no assurance of a fair division of tax burden a year hence. Conditions arise from time to time in the commonwealth requiring an increase in the rate upon taxable property. At such times property taxed under the ad valorem system must bear all of the increased burden, while the percentage on which the license fee is based remains the same. . . The railroad companies under the license fee system have no interest and no concern respecting the money appropriated by the Legislature. . . The taxation of railroad property, as of all other property, on its actual value, can work no injustice to any one. The effort, by those interested in preventing the adoption of the ad valorem system for railroads, to make it appear that the value of railroad property can not be ascertained, is not entitled to serious consideration. That which has a sufficient physical existence to stand as security for the loan of vast sums of money; that which is represented in the markets of the world as among the most readily salable property; that which is productive in its earning capacity of an enormous annual income, has all of the essentials in certainty and definiteness that property requires for the purposes of taxation. . . "

15 Ja 03, p.16-19

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## Mining

- a **Ari. Brodie.** " . . . I believe, in justice and fairness, that owners of producing mines in this territory would willingly pay a tax on the output of their mines, such tax to be a just and proportionate one as compared with other territorial taxes. . . " 19 Ja 03, p.7
- b **Id. Morrison.** " . . . We are without an adequate and equitable system of taxation for mines and mining property, and in consequence in some counties of the state where the mining interests are large there are uncertainty and pending conflict in the matter of assessment and collection of taxes. . . This session should not pass without placinø on our statute books a much needed law providing a fair and certain method for the taxation of mines. . . " 5 Ja 03, p.25
- d **W. Va. White.** License tax on the mining of coal. "This tax should be small and fixed for a long term of years. The State Tax Commission give five uncontrovertible reasons why a tax of one third of a cent per ton is a just tax to levy on the right to mine coal for sale. A license tax on the production of oil and gas, such as is recommended by the State Tax Commission, is so reasonable in view of the fact that this business has so largely escaped taxation hitherto, that, I take it, it will not be necessary in this connection to argue at length in favor of such a license tax in case the state taxes are abolished."

14 Ja 03, p.17-18

- e **Wy. Richards.** "The coal lands of this state, owned by companies or individuals, on which productive mines are being operated, do not pay their proportionate share of the taxes of the state. Some regulations should be devised equalizing the values of productive coal lands belonging to mining companies or individuals, with other property in this state, either by an assessment ad valorem, or by complying with the provisions of § 3, art. 15 of the Constitution of Wyoming, which provides for a tax on the gross output of mines." 13 Ja 03, p.5

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## Budget

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### General

- a **Ala.** Jelks, 14 Ja 03, p.3-6. **Ari.** Brodie, 19 Ja 03, p.4-6. **Cal.** Gage, 5 Ja 03, p.3-4. **Cal.** Pardee, 7 Ja 03, p.17-21. **Col.** Orman, 10 Ja 03, p.3-16. **Col.** Peabody, 13 Ja 03, p.78-85. **Del.** Hunn, 6 Ja 03, p.4-7. **Ga.** Candler, 22 O 02, p.3-6. **Ill.** Yates, 7 Ja 03, p.47. **Ind.** Durbin, 8 Ja 03, p.2-6. **La.** Heard, 12 My 02, p.4-7. **Me.** Hill, 8 Ja 03, p.3-7. **Me.** Hill, 27 Mr 03. **Md.** Smith, 16 Ap 02; message to extra session relating to passage of appropriation bill. **Mich.** Bliss, 8 Ja 03, p.5-11, 23-24. **Minn.** Van Sant, 7 Ja 03, p.3-6. **Mo.** Dockery, 8 Ja 03, p.4-7. **Mon.** Toole, 5 Ja 03, p.6-7. **Neb.** Savage, 6 Ja 03, p.5-8, 24-32; retrenchment advocated. **Neb.** Savage, 6 Ja 03, p.22-32. **Neb.** Mickey, 6 Ja 03, p.41-43. **Neb.** Mickey, 11 Mr 03; omitted appropriations. **Nev.** Sadler, 19 Ja 03, p.14-18. **N. H.** Bachelder, 7 Ja 03, p.3-6. **N. M.** Otero, 19 Ja 03, p.4. **N. Y.** Odell, 7 Ja 03, p.1-10. **N. C.** Aycock, 7 Ja 03, p.3. **N. D.** White, 8 Ja 03, p.3-14. **Okl.** Ferguson, 13 Ja 03, p.5-7. **Pa.** Stone, 6 Ja 03, p.1-2. **S. D.** Herreid, 6 Ja 03, p.4-7. **Tenn.** McMillin, 12 Ja 03, p.12-14. **Tex.** Sayers, 16 Ja 03, p.2-3. **U.** Wells, 13 Ja 03, p.8-10. **Vt.** Stickney, 2 O 02, p.3-6. **Wash.** McBride, 13 Ja 03, p.14-17. **W. Va.** White, 14 Ja 03, p.4-6, 9-11, 39. **Wy.** Richards, 13 Ja 03, p.4.
- b **Cal. Pardee.** "... The tax bill passed by the last Legislature provided a levy for the general fund much smaller than is usual. Though this rendered a low tax rate possible for the current year, which was very agreeable to taxpayers, it will make a serious drain on the surplus which had been accumulating in the treasury for some years. . . ." 7 Ja 03, p.17
- c **Ga. Candler.** "It is gratifying to be able to report to the representatives of the people that the rapid advance in the state's rate of taxation which began in 1883, when the tax rate was \$2.50 on the thousand and culminated in 1898 at \$6.21, the highest rate ever paid by the people of Georgia, has been, as elsewhere stated, arrested and indeed reduced during the last four years to an average of \$5.30½ per thousand. . . ." 22 O 02, p.5
- ci **Ind. Durbin.** "The tax rate in Indiana is one of the lowest of any of the states of the Union, and when the growing necessities, both as to permanent improvements and yearly maintenance, are taken into account, was never as light as at present. The state

- revenue and benevolent institution levies of 14c are really all that go into the general fund. The school revenue is redistributed on a statutory basis; the slight specific levy for the state debt can be used only for its prescribed purpose, and the 1% to the educational institutions, aggregates the 29% of the state's share of taxes. The average rate in Indiana is about \$1.50 on the \$100, so it will be seen the burdens of taxation are local. . . " 8 Ja 03, p.2-3
- d **Me. Hill.** " . . . In addition to \$1,791,570.32 received from the tax on cities, towns, plantations and wild lands during the past two years, the tax on savings banks has amounted to \$1,038,191.43; on trust and banking companies, \$45,147.66; the tax on railroads was \$618,479.92; on telegraph and telephone companies, \$36,809.91; on express companies, \$17,320.32; on insurance companies, \$152,208.26; on collateral inheritances, \$78,828.43; on corporations, \$78,140; organization of new corporations, \$131,485; other taxes and miscellaneous items, \$441,924.27; making the total revenue from all sources \$4,430,105.52." 8 Ja 03, p.5
- e **Mo. Dockery.** " . . . The receipts of the treasury show a steady growth, due in most part to the income arising from the beer inspection fees and the natural growth and increase in the taxable wealth of the state." 8 Ja 03, p.4
- ei **Pa. Stone.** "At the beginning of the present administration, there was a large deficit in the state treasury. At the beginning of the last session of the Legislature, there was a surplus of a million and a half of dollars. After deducting all outstanding debts and the unusual and unexpected expenditure of over a million dollars for the suppression of industrial disturbances, the beginning of the present fiscal year shows a balance of over 7 millions of dollars. . . " 6 Ja 03, p.1
- f **Or. Chamberlain.** "It is to be expected that, as the state grows in population and in wealth, there must be a proportionate increase in expenditure to successfully administer its affairs. But it does not follow that the general rate of taxation should continue to increase. The steady growth in wealth, constantly adding to the aggregate assessed valuation, ought to keep down the rate of the tax levy. . . " 14 Ja 03, p.4
- g **S. C. Heyward.** "While the bonded debt of the state is comparatively small . . . I nevertheless feel that it is incumbent on me to call attention to the necessity the state is under to borrow money to meet the deficiency occasioned by its current obligations exceeding its revenue. This being the case, the deficiency naturally increases yearly, and if allowed to continue will assume serious proportions, and become a burden to the taxpayers. Reference to the treasurer's report discloses the fact that the deficiency for the last year alone amounted to \$125,000, in round numbers. . . " 21 Ja 03, p.13
- h **Wash. McBride.** "Growth in population and increase in volume of business necessarily call for a constantly increasing expenditure for public purposes. . . " 13 Ja 03, p.14

parts of the state the rate of tax on school, county, road and city or town property is on the dollar. Such a rate, in the hands of the taxpayer, tends to prevent the growth of any locality. . . . 15 Ja 03, p.17  
 It was found necessary by the executive to make some extraordinary appropriations for legislative expenses were met, and in the year 1902. The last preceding year the reason that there were no funds for appropriations for extraordinary purposes was that in 1899 and aggregating \$330,840 \$4. . . .

15 Ja 03, p.1

have caused to be prepared by the committee and there will be printed as an appendix to the report in detail showing the receipts and disbursements for administrative, legislative, judicial, and executive purposes, by years and for biennial terms, since the year 1899, the funds and fund incomes, receipts and disbursements, by years, for the same period

15 Ja 03, p.1

#### Message. Limit of expenditure

1881-1882 deficiency claims allowed by State

N. H. Bachelder, 7 Ja 03, p.7-8.

The Constitution of this state limits the tax levy to 4 mills; prohibits the making of any appropriations in excess of the amount of revenue for any fiscal year, and provides that no bill shall be passed for the payment of any claims against the authority of law. . . . It follows that the bills above referred to were issued contrary to the Constitution, and such indebtedness incurred by the Constitution as it stands, is absolutely void. The Legislature can pass a constitutional relief bill for the purpose of cancelling such certificates of indebtedness. . . . I am sure that the Legislature will meet and discharge these obligations in accordance with the constitutional provisions relating to the same. I earnestly urge the adoption of a bill for the purpose of cancelling such certificates of indebtedness and excess warrants. . . .

13 Ja 03, p.81-2

suggest that this General Assembly submit a constitutional amendment limiting the tax rate to 5 mills for the purpose of meeting the needs of the state for the purpose of the construction of a road and what may be needed for the purpose of the construction of a road or war. . . . 8 N 02, p.1

Probably all state institutions, boards and commissions, and the permanent appropriation or mill tax

system, and there are arguments in favor of its adoption. The chief objection is the difficulty of making reductions and the tendency to forget this part of the general tax burden. . . " 8 Ja 03, p.8

**2 Governor's contingent fund**

- a Ari. Brodie.** "On assuming the duties of governor on July 1 last, I found by act 89, laws of 1901, the governor was allowed to draw \$750 for each of the years from July 1, 1901, to July 1, 1903, on his own receipt, and for which no voucher was required to be returned. As I am a firm believer in the rule that appropriations should be made for specific purposes, and that proper vouchers should be required and returned in all cases where public funds are distributed by public officials, I have, since my induction into office, left this appropriation untouched in the territorial treasury. . . "

19 Ja 03, p.13

**13 Accounts. Methods generally. Collection of moneys. Warrants**

- a Wis. La Follette.** "Under ch. 433 of the laws of 1901, it is made the duty of the executive to install a central system of accounting for all state officers and state institutions. Pursuant to ch. 133 of the laws of 1899, the preceding administration had been authorized to establish such an accounting system for all state offices in the capitol. . . It was found impossible, however, to apply it because of the fact that certain state institutions were outside of the terms of the law of 1899. . . It was . . . believed to be desirable to ascertain the methods of bookkeeping and accounting in operation in some of the older states. To that end the systems in use in Massachusetts, New Jersey, and New York, were examined in connection with the report made and plan devised under the provisions of the act of 1899. This was followed by a thorough investigation of the system of bookkeeping and accounting used in each of the departments of our state government and in each of the state institutions, including the university and normal schools. The results of this investigation, conducted by an experienced and expert accountant, leave no room whatever to doubt that the bookkeeping and accounting system which has been maintained in each of the departments of our state government and each of the state institutions is superior to that of Massachusetts, New York, and New Jersey; that it has been conducted with great care, minuteness, and detail; that it is faulty only in that expenditures and receipts of the state government, including the state institutions, have not been centralized. It was discovered that a system of centralization may be engrafted onto the existing systems without either incurring present expense or entailing the perpetual outlay necessarily to result from sweeping them all aside, and without rendering the whole system cumbersome and complicated with detail and circumlocution. . . "

15 Ja 03, p.6-7

854

## Collection of state claims and revenue

- a **Cal.** Gage, 5 Ja 03, p.42-45; claims against the United States. **Ind.** Durbin, 8 Ja 03, p.5-6; claims against United States. **Mich.** Bliss, 8 Ja 03, p.20-21; claims against United States. **Tenn.** McMillin, 12 Ja 03, p.5-6; claims against United States. **Tenn.** Frazier, 23 Ja 03, p.16; claims against United States. **Tex.** Sayers, 16 Ja 03, p.8; claims against United States. **Tex.** Sayers, 16 Ja 03, p.12; state revenue agent. **U.** Wells, 13 Ja 03, p.10; state proportion of expense of collection. **Vt.** Stickney, 2 O 02, p.6-10; claims against United States. **W. Va.** White, 14 Ja 03, p.32-33, 34; claims against United States. **Wis.** La Follette, 15 Ja 03, p.8-9; claims against United States.
- b **Kan.** Bailey. "I believe that the law should be so amended that county treasurers, when they remit any funds to the state treasurer, should be required to notify the state auditor of the amount remitted, and the auditor, on receiving such notice, should be required to charge the treasurer with such amount." 13 Ja 03, p.10
- c **Mich.** Bliss. "It is suggested that the Legislature provide that all fees collected by state officers in the administration of the various departments of the state government shall be turned into the state treasury, and that all moneys coming into their possession through the operation of any law with the execution of which they may be charged shall likewise be deposited with the state treasurer within some stated time." 8 Ja 03, p.20

855

## Claims against state

- a **Cal.** Gage, 5 Ja 03, p.46; unpaid judgments.
- b **Cal.** Gage. "... Information secured by a state officer, through his control of state records, should not be attempted to be used directly or indirectly for his personal benefit. I recommend that it be made a felony for any state officer or deputy to speculate or encourage speculations respecting any claim or demand against the state, or to aid or abet any other person in any suit on a claim or demand against the state." 5 Ja 03, p.9
- c **N. C.** Aycock. "The state has been sued in the Supreme Court of the United States by the state of South Dakota on 10 bonds, secured by an alleged second mortgage on the state stock in the North Carolina Railroad Company. . . This is the first case of this character ever brought by one state against another; and it is confidently contended by North Carolina that no court has jurisdiction to enforce public obligations in the hands of an assignee which shall not be enforced by the assignor. . ." 7 Ja 03, p.5-6

856

## Examination and audit

- a **Mich.** Bliss. "I believe that a competent state accountant can render valuable service to the state by systematizing the vast business of the state. I recommend an appropriation to maintain this office, as contemplated by the law of 1895." 13 Ja 03, p.18

## ADMINISTRATIVE LAW FINANCE

856

- c **La.** Heard. "I would also suggest that this officer [bank examiner] be given authority to investigate any department of the government or the books and accounts of any state or district officer, when called on to do so by the governor. The chief executive in this exercise of his functions may, and does have need for such investigation, and should be delegated the authority to make it whenever it becomes necessary." 12 My 02, p.44
- ci **Mich.** Bliss. "The present system or lack of system in the auditing of claims against the state should have the attention of the Legislature in order that a uniform method of payment of expense bills may be adopted so that bills of like character and affecting similar officers shall be acted on by the same officer or board. . . ." 8 Ja 3, p.19
- d **Neb.** Mickey. "With the gradual increase of state business, it becomes more and more necessary that a state accountant should be provided, as an adjunct of the Board of Public Lands and Buildings, whose duty it shall be to scrutinize and verify the accounts of the various state officers and state institutions, and who shall have authority over the books and records of said institutions with a view to reducing them to a uniform system. . . ." 6 Ja 03, p.50
- e **Or.** Chamberlain. "Defalcations of state officials have in times past eluded the inspection of legislative committees and experts employed by them. . . I earnestly recommend that you empower the executive to employ a competent accountant to examine into and check up the accounts of officers on the pay rolls of the state, reports to be made to him from time to time and finally to the Legislature. . . ." 14 Ja 03, p.18-19

857

**Financial officers****858 State auditor. Comptroller**

- a **Ari.** Brodie, 19 Ja 03, p.8, 13. **N. M.** Otero, 19 Ja 03, p.6-8. **N. C.** Aycock, 7 Ja 03, p.21. **W. Va.** White, 14 Ja 03, p.23. **Wy.** Richards, 13 Ja 03, p.4.

**859 State treasurer**

- a **Ari.** Brodie, 19 Ja 03, p.13-14. **N. C.** Aycock, 7 Ja 03, p.20-21. **S. D.** Herreid, 6 Ja 03, p.12-13; bond. **Tex.** Sayers, 16 Ja 03, p.7. **Wy.** Richards, 13 Ja 03, p.4.
- b **Kan.** Bailey. "I would . . . recommend . . . that the bond of the state treasurer be reduced to one half its present sum, the bond to be made by some surety company and paid for out of the profits accruing to the state on the daily balances as suggested in this recommendation. . . ." 13 Ja 03, p.11

861

**Funds. Investments**

- a **Wash.** McBride, 13 Ja 03, p.3-11.
- b **Mon.** Toole. "It will be seen from the reports of the state treasurer and the register of public lands, that a large amount of public moneys are lying idle to the great loss of the state. . . The state should be put on an equality with other investors, by which it can



854

**Collection of**

- a **Cal.** Gage, 5 Ja 03, p. 10; Durbin, 8 Ja 03, p. 5; 8 Ja 03, p. 20-21; Ja 03, p. 5-6; claims, 03, p. 16; claims against revenue agent; expense of United States against claims to

- b **Kan.** county, ure, re

- c

rate of interest which intrinsic value. . .

5 Ja 03, p. 12  
100,000 is but a small part  
actually and at no distant  
common schools and public  
timely that adequate pro  
ent. . . I would recommend  
the direct purchase of real  
limit of the amount loaned  
the property; to provide for  
ing and completing the loan  
endment to the Constitution  
to the present provisions, the  
county, township and munici-

8 Ja 03, p. 13-14

**Solutions**

stitution, educational or other  
from any source, or where any  
sold for cash, and the cash paid at  
state treasurer. I think it is due  
and the taxpayers of the state of  
costs to run the institutions of the  
ten more intelligently make the  
13 Ja 03, p. 12

**Warrants**

recommend that a law be enacted  
paying out any territorial moneys  
for, thereby avoiding the apparent  
during the year between treasurer's  
shown to be in the hands of the  
with that official." 10 Ja 03, p. 7

**Debts. Bonds**

- Ari.** Brodie, 10 Ja 03, p. 5-6. **Ct.** Cham-  
**Conn.** 6 Ja 03, p. 6. **Ind.** Durbin, 8 Ja  
**Mass.** Bates, 8 Ja 03, p. 44-50. **Mo.**  
**N.H.** Sadler, 10 Ja 03, p. 4. **N. H.** Bach-  
7 Ja 03, p. 4. **Tenn.** McMillin, 12 Ja  
Ja 03, p. 2-5. **Tex.** Sayers, 16 Ja 03,  
p. 15-17.

gent debt of the state is the debt in-  
of cities and towns, chiefly within  
which is to be paid by such cities  
gent debt amounted on the first day  
The total gross debt of the state

incurred for state purposes on the first of January was \$27,413,323.30. . . " 8 Ja 03, p.44-47

- d **Mass. Bates.** " . . . In general, it may be said that there are two approved methods of providing for the payment of bonded indebtedness—one by the establishment of sinking funds, and the other by serial payments. The first system has prevailed in our state from the beginning. . . The evils of the sinking fund system were not serious when the bonded indebtedness of the state was small; but that there are some evils is apparent today, when our bonded indebtedness, including the contingent indebtedness for the metropolitan district, is over \$84,000,000, and the sinking funds are piled up in our vaults to the extent of nearly \$19,000,000, and are rapidly increasing. These funds have been managed with absolute fidelity to the people's interest; but the responsibility for their investment is great, the risk to the state is large. . . I am informed that computations most carefully made indicate that there would be an immense saving under the serial payment plan. If this fact can be established, legislation should follow that will in the end relieve the state from the unnecessary burden of the present system."

8 Ja 03, p.48-50

- e **N. M. Otero.** "§ 11 of ch. 90 of the laws of 1901 should be amended at p. 182, where it provides for the issuing and sale of new bonds to take up old bonds which have become due at the option of the territory, the holders of which refuse to surrender them and take new bonds in place thereof bearing a less rate of interest. . . This section should be so amended as to give the treasurer and governor the same power, but to be exercised three months before such bonds become due, in order that the money may be in the treasury at the exact time the option accrues. . . " 19 Ja 03, p.5
- f **Tenn. Frazier.** "It should be gratifying to all the people of Tennessee to know that the state is free from any floating debt; that it is paying its semiannual interest on its bonded debt, when due, out of its own revenues, and without borrowing; and that it is steadily reducing the principal of its bonded debt. . . "

23 Ja 03, p.2

- g **Tenn. Frazier.** "There are yet outstanding three hundred and forty-four thousand dollars (\$344,000) of old bonds that have never been presented or funded under the act of 1883, known as the 'funding act.' Their location and ownership are unknown. . . I . . . recommend that a reasonable time be fixed within which said bonds must be presented for funding under the provisions of the act of 1883, and that such as are not presented for funding within that time shall be forever barred and cease to be a liability against the state. . . "

23 Ja 03, p.16

#### Temporary debt

- a **N. C. Aycock,** 7 Ja 03, p.46-49.
- b **Neb. Mickey.** " . . . At present, the floating indebtedness of the commonwealth is largely in excess of the amount permitted under

pay more or less of  
the bond draws, and

c **N. D. White**  
of the magni  
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its credit till the  
general fund reaches th  
Constitution limits th  
the state debt is now c  
further increase condi  
will compel the payme

6 Ja

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tor's table were \$80,000  
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ssing of sufficient short tim  
warrants drew a high rate  
investors and were often  
officers issuing them that  
the past two years \$270,000 of  
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were to be able to report to y  
gradually paid off as they b  
the state have been prompt  
with practically all bills pai  
general fund. . . " 8

## Assets and depositories

s. **Id.** Morrison, 25 F 03; spec  
funds.

proper disposition of state  
consentment, is a practical questi  
crease, grows in importance.  
deposit only, yet the funds are  
subject to check in the ord  
available, but under very dif  
than those which obtain under  
ed on inquiry that many of  
the state treasurer, demand

depository banks interest on balances which they appropriate to their own use. Moreover, in many of the counties the depository bank not only pays the premium but assumes the duties of the office as well while the officer draws the salary. . . It is said by those who are in a position to know that the state treasurer's office is now worth for the term of two years, \$10,000 outside of the salary. . . In view of these facts and others which obtain, and in order that the state and the several counties may receive the income from their deposits, I strongly recommend a law providing: first, that the county treasurer be required to conduct the affairs of his office at the county court house, and second, that the public moneys, both county and state, under the control of the various treasurers, be awarded for general deposit, under established securities, to those banks within the state which will pay therefor the greatest, equal or in excess of a minimum, interest on balances."

5 Ja 03, p.19-20

- c **Kan. Bailey.** "And, I would further recommend that our laws be so amended that the accounts of the state fiscal agency and the state depositories be kept with the auditor of state and state treasurer in a more businesslike manner. Under the present law, neither the state fiscal agency nor the state depositories are required to report to the auditor of state. When the state treasurer remits to the fiscal agency or makes a deposit with the state depository, he should be required to sign, with the auditor of state, a statement showing that said remittance or deposit has been made, and the auditor of state should be required to charge the state fiscal agency or state depository with said remittance or deposit, and credit the state treasurer; and, when the state treasurer issues a check or draft on the fiscal agency or state depository, before delivering said check or draft to the party to whom it is issued, the treasurer should be required to present it to the auditor of state, and the auditor be required to countersign said check or draft, keeping a record of the same, charging the treasurer with the amount of said check or draft and crediting the fiscal agency or state depository with the amount. . . I also find that the state has a contract with the state fiscal agency whereby the agency pays the state 2% on the average daily balances of state funds in said agency, which for 1902 would amount to \$1027.80. . . I also find from the records of said board that the average amount of money in the state treasury and in the Topeka banks as state depositories for the year 1902 amounted to \$768,811. This amount, at 2% on average daily balances would net the state \$15,376.22 per annum. . . " 13 Ja 03, p.10-11
- d **N. J. Murphy.** "The last Legislature passed a law requiring the treasurer to demand an interest of 2% on deposits of the state money kept in the various banks of the state. Though the law was passed after a part of the fiscal year had expired, the report of the treasurer shows that the sum of \$28,000 has been received by the state from this source, and, of course, a larger sum may be expected this year. . . " 13 Ja 03, p.8

- e **N. M. Otero.** "As provided by law the territorial funds on hand are deposited in territorial depositories, of which there are nine at this time, and which are entitled under their applications and bond filed, to have a deposit of \$203,000. These banks now have on deposit the full amount of their applications, on which the territory gets interest at the rate of 3% per annum. The present law providing for banks to give bond to the territory for public money received by them and setting out the qualifications of the sureties on such bonds, should be changed so as to require all such bonds to be executed by a fidelity or a surety company, authorized to do business in this territory, and I earnestly recommend that you enact a law to this effect, and also providing that all official bonds now required by law be executed in the same manner, and that no personal sureties be received. For many years the territory has been put to a great delay and expense in bringing suits on such bonds, which are invariably contested with great bitterness and very unsatisfactory results, and I believe that the records will show that not 10% of the amounts sued for have been recovered by the territory, while a fidelity or surety company insures the prompt payment of any such forfeited bonds to the great and manifest advantage of the territory." 19 Ja 03, p.5-6

- g **W. Va. White.** "Another marked source of increase in our revenue is the interest derived from state funds deposited in banks, the amount whereof has doubled in 10 years, and for the last fiscal year reached the sum of \$34,379.57. This result has been reached, in part, by holding back the appropriations to the various institutions till they are actually needed, and then only giving the amounts necessary at the time called for. In part, it has been secured by prompt collections of money due the state and getting it into the banks of deposit. A further saving could be effected, if the recommendations of the auditor as to the treasurers of the various state institutions and their methods of keeping accounts, are carried out." 14 Ja 03, p.7-

870

## Public order

*See also Crimes and offenses, 234*

- a **Ct. Chamberlain,** 7 Ja 03, p.14.

872

## Police

- a **R. I. Garvin.** "The remedy for nonenforcement is to place the power of appointing policemen and other officials, whose duty is to carry out the laws, completely in the hands of the higher executive officers—the mayors and the governor. The police of each city should be under the control of the mayor and a chief of police appointed by him." 6 Ja 03, p.1
- b **U. Wells.** "... It is believed there continues to be gratifying improvement in respect for law and order in the frontier counties

and that the fund [\$5000] provided has been beneficial in acting as a deterrent to desperados and in keeping many of them outside our boundaries." 13 Ja 03, p.48

874

### State and county police

- a **Ari. Brodie.** The rangers. "This force, consisting of 12 privates, one sergeant and one captain, has been a most valuable one to the territory ever since its organization, and has most materially aided in the preservation of law and order and in the apprehension of criminals; the only complaint being that the force is too small for the immense area of country in which it is called to operate. . . In the operation of such a force it is inadvisable and unsafe to divide into squads smaller than two men, and it is therefore at once understood that six squads of two men each are hardly capable of covering the whole extent of a territory as large as Arizona. I would suggest that authority be granted the executive to double the number of enlisted men in the force and authorize the purchase of four more good pack animals with equipment. This force has had and will have a good moral effect on lawbreakers."

19 Ja 03, p.16-17

- b **Tex. Sayers.** "The services of the rangers have been altogether satisfactory. They have been very active, indeed, and always equal to every emergency. Their value in the apprehension of criminals and the protection of life and property can hardly be exaggerated. They are a necessity, and the force should be maintained."

16 Ja 03, p.8

877

### Miscellaneous police regulations

*See also Crimes against public order and security, 256; Nuisances, 1065; Public safety, 1090; Highway regulations, 2722*

879

### Amusements

Relating chiefly to restricted amusements

883

### Gambling. Lotteries. Betting

885 Lotteries

- a **Ind. Durbin.** "I consider it the duty of this General Assembly to consider carefully the lottery evil, as it exists in many forms, specially with reference to so called 'guessing contests' conducted by certain newspapers of metropolitan pretensions published outside the confines of Indiana. . . It is the duty of the state to provide proper safeguards for its citizens, and, in my judgment, provision should be made by statute, if possible, to prohibit the sale or circulation in Indiana, of newspapers or other publications engaged directly or indirectly in promoting lottery schemes under whatever guise or pretense."

8 Ja 03, p.27

889

### Prize fighting

- a **Ind. Durbin.** "I respectfully submit to your honorable bodies the necessity for the enactment of more clearly defined laws and

more drastic measures for the suppression of prize fights and the regulation of so called boxing contests. . . " 8 Ja 03, p.27

### Intoxicating liquors. Narcotics

900

#### Prohibition

902

#### 903 Dispensary

a Ala. Jelks. "We have dispensaries, controlled by a dozen statutes, differing materially. It will occur to you that they each, and those which may follow, should be administered under one uniform law." 14 Ja 03, p.20

b S. C. Heyward. "... In the past few years, I am glad to say, much of the friction formerly attaching to this law has disappeared. I am aware of the fact, however, that in certain localities it may be very hard to restrain illegal traffic in liquor, and to prevent the violation of this law; nevertheless, I shall seek to uphold the law, and to carry out its provisions without favor to any locality in any part of our state. . . " 21 Ja 03, p.10

#### 904 Local option

a Del. Hunn, 6 Ja 03, p.19.

#### 905 State prohibition

a Me. Hill. "An awakened public sentiment among the people of Maine demands a more complete and vigorous enforcement of the prohibitory law. In nearly all our country towns the law is respected and obeyed. It is in the cities and larger villages that it has been most frequently and persistently violated. This condition of things is apparently due to the fact that in the larger places there has been wanting an active and healthy sentiment in support of the law, and indifference and opposition have made its enforcement more difficult. . . Among some of the most earnest and sincere friends of temperance in the state, there is a strong feeling that the prohibitory amendment should again be submitted to the people, that they may have an opportunity to declare themselves on the question. They believe that such an expression of the popular will would give renewed strength to the law, and lead to more complete and thorough enforcement in those portions of the state where officials have failed to do their duty. . . "

8 Ja 03, p.11

b N. C. Aycock. "For many years the Legislatures of this state have, step by step, narrowed the limits in which liquor could be sold and manufactured, till at the present time this business can not be carried on in half of the counties of the state, while more than two thirds of the counties have, either by county or legislative action, restricted the sale to incorporated towns. No good reason is apparent why the Legislature should not in all the counties apply the restriction which today exists in more than two thirds of them. . . I recommend, therefore, that a general law be passed prohibiting the manufacture and sale of liquor throughout the state save

in incorporated towns. The manufacture of liquor, even in incorporated towns, should be subject to the same restrictions that now apply to the sale. . . Stringent provisions should be made to prevent the operation of blockade stills. The state should no longer depend on the federal government to suppress this evil business."

7 Ja 03, p.38

56

#### Liquor licenses

#### 07 General and miscellaneous

a N. H. Bachelder. "The people of this state have been very generally forced by observation and experience to the conclusion that our statutes relating to the sale of intoxicating beverages have failed, in our larger cities and towns, to accomplish the purposes for which they were enacted, and there is therefore a very widespread demand for a change in these laws. . . Most of you have come here commissioned by your constituents to bring about changes in our statutes which will make them more effective in restraining and regulating the traffic in intoxicants, and thereby lessen, so far as it is possible, the manifold evils of intemperance. . . "

7 Ja 03, p.16

b Vt. McCullough. "The verdict of the freemen of the state on Sep. 2 last was in favor of the General Assembly framing a local option and high license law and submitting the same to the people for their adoption or rejection. . . For 50 years prohibition has been the policy of the state. The mandate comes up now from the people to their legislators commanding them to formulate and to submit to them for their decision some other system. And primarily, on this subject, it must be borne in mind that all sumptuary legislation must be supported by public sentiment to be effectual. In any local option or license system, it is worthy of consideration: whether the vote on license or no license should be taken in any town or municipality oftener than once in three or five years; whether it should not be taken at elections specially called for that purpose and not at any regular election, state or local; whether, if license be voted it would not be wise to require the petition of a majority of the property holders in any block or square of a municipality before issuing a license; whether a majority of the legal voters of any town or subdivision of a city should not be allowed to remonstrate against licensing or continuing the license of a specified person; whether any license should be granted for more than a year; whether the number of licenses where authorized should not be limited to one for every 1000 inhabitants, and prohibited within a limited distance of any church, schoolhouse, theater, opera house, public building, park or other public place; whether all licensees should not be required to give ample bonds, and every applicant for a license furnish evidence of citizenship and good character. As to the licensing body or authorities, it has been well said that judicial purity and reputation for purity are far more important than discreet licensing."

3 O 02, p.5-7



910

**Regulations and restrictions**

*See also Adulteration, 998*

915 **Sunday sales**

- a **N. M. Otero.** " . . . What is know as the ' Sunday law ' is very properly enforced in some localities, but not in others. . . So long as the law is on the statute books, it should be rigidly enforced and penalties imposed on officers failing to report same to the court. If, however, you regard it as impossible to enforce the present law as it now stands, I believe that it would be better that liquor should be sold legally during certain prescribed hours on Sunday than that the saloon should be open surreptitiously all the day, as is the case in many localities in the territory. Many citizens have spoken to me on this subject, and the large majority favor either a more liberal Sunday law, which allows saloons to be open on Sunday at certain hours, or the local option law, so that each ward or precinct could vote on the question, whether there shall be any sale of liquor or not on Sunday. . . "

19 Ja 03, p.50-51

916

**Illegal traffic**

918 **Importation. Original package**

- a **W. Va. White.** "A prevalent source of disorder and trouble in communities where the sale of liquors is not legalized, is the c. o. d. liquor business, specially of goods from points outside of our state. It is the custom, in too many instances, for traveling agents to take a list of names, partly or wholly fictitious, and ship in packages of liquor consigned to these names. Then it is the practice for unscrupulous agents of the transportation companies to permit any one who wants liquor to 'claim' one of these packages and pay for it and take it away. If there is any way by which this unlawful sale of liquors can be broken up, it is the duty of the Legislature to find a remedy."

14 Ja 03, p.94

920 **Prosecutions**

- a **N. Y. Odell,** 7 Ja 03, p.32.

921

**Intoxication. Inebriates**

922 **Institutions. Treatment**

- a **Ga. Candler.** " . . . By the establishment of an inebriate asylum the State Sanitarium would be relieved of a large number of unfortunates who are now crowded into it, for whose treatment the institution is not prepared and was never intended. . . "

22 O 02, p.14

927

**Mob violence**

- a **W. Va. White,** 14 Ja 03, p.27-31; lynchings. **W. Va. White,** 26 Ja 03; lynching of Jan. 25 at Danville.
- b **Ala. Jelks.** "The excuse urged for lynching for crimes which are common in the South is no excuse at all. The man who criminally assaults a woman in this state, if allowed to be tried, will certainly get his just deserts at the hands of the law. . . Other classes of citizens for other crimes escape the just penalty for the

violation of the law, but the negro, and for the gravest of all crimes, never escapes. . . There have been quite a number of lynchings since you met here. In the last year and a half, or during my official incumbency of this office, I recall five such crimes. One of these lynchings was for the crime of criminal assault. So easy was it for the mob spirit to get away from the original cause for provoking that spirit that three of the latest of these crimes were for other offenses and two for no offense at all. In one county near the capital city, a lot of self-constituted guardians of the peace and honor of their homes in an attempt to mob a negro who had committed an offense, which, under the law, could not have called for a sentence of more than two years, took his brother, innocent of any offense at all, and hanged him. I am glad to be able to say to you that there was a just judge and a sufficient number of law-abiding citizens to give these men, or some of them, a term in the penitentiary. I believe these are the first like offenders to serve the state since the great war. No man had heretofore gone to the penitentiary for lynching a negro. It is our shame! Now that the law has begun to act, let law-abiding citizens and just judges see to it that other murderers go not unwhipped of justice hereafter. Following this case, a mob in Pike county took a negro away from a constable—I know not with what difficulty—and lynched him. His offense was probably swearing contrary to one of his white neighbors in a justice trial on a proof of character. This was a cold-blooded murder and without excuse at all. . . The murderers go about. None of them will be hanged as they should be. Another case grew out of an assault to murder, and still another in a hunt for a rapist, the murderous mob found the wrong man. The man the outlaws killed in this last case had never seen the rapist's victim or heard of her. Human life is about as cheap in Alabama as it is anywhere. One or two southern states vie with us and may overreach us in the low price we put on it, but we are shamefully near the bad eminence. And sheriffs can prevent this lawlessness in most cases. . . "

14 Ja 03, p.13-14

- c **Ill. Yates.** "A community in Greene county would have been disgraced by a most brutal lynching a year ago had it not been for the steadiness and prompt response to duty of a battalion of the National Guard; and the county of Saline would ere this have been terrorized by an organized band of Whitecaps, or Kuklux, had it not been for the constant vigilance of a company of our state boys in blue on guard in that county, surrounding with their bayonets humble negro citizens. . . "

7 Ja 03, p.15

- d **Ind. Durbin.** "In the past two years there has been a marked decrease in the violations of law consequent on mobs and masked citizens taking the law into their own hands and visiting vengeance on their victims. The antilynching law of 1901 has been effective in that the sheriff of Sullivan county, after a full and fair hearing before the chief executive, was found not to have performed his

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duty in properly protecting the life of a prisoner from the assault of a mob that succeeded in carrying into effect their purpose of lynching. The sheriff was deposed from office, as provided by law, and I believe the effect of this action will have a very salutary influence, not only in this state, but in other states where public attention has been attracted through the enforcement of our very wholesome law."

8 Ja 03, p.36

- e **N. C. Aycock.** "During the past two years there have been eight lynchings in the state: three for murder, one for attempting to poison, three for rape, and one for assault with intent to rape. . . In newly settled districts, sparsely populated, largely filled with lawless men, committees of vigilance sometimes become a necessity for the preservation of the safety of the citizens; but in a state with an established government, having courts in full operation, there is no justification for resorting to lynch lawlessness, for this is the correct characterization of every lynching. The resort to this practice is neither justified by reason, nor do the results attained by it show its efficacy. The crimes for which this summary punishment is meted out do not decrease. The safety of every citizen is better guaranteed by the orderly execution of the laws of the land. . . If the punishment for the crimes not now punishable by death under the law is inadequate, it is within the competency of the Legislature to make these punishments anything short of death; and I suggest that the punishment for assault with intent to commit rape, and for attempting to poison, be made life imprisonment in the penitentiary, at the discretion of the judge. The punishment for murder and rape is already death. . . Twice since I have been governor of the state have requisitions been delayed by the governors of other states because of the assertion that the prisoners, if returned to this state, would be lynched. One of these delays was in a southern state and one in a northern state. . . I can not too strongly urge on your honorable body the duty of devising some means for the efficient, certain and speedy trial of crimes, and at the same time to make such provision as will protect every citizen, however humble, however vicious, however guilty, against trial by the mob."

7 Ja 03, p. 38-4

- f **Tex. Sayers.** "The enforcement of law has been vigorous, and in the main successful. It is to be regretted, however, that there have been several instances of mob violence because of the commission of the most heinous of crimes. Wherever, however, lynching has occurred, it was not possible for the state authority to interpose in time. . . It should be observed as against a capias from whatever court, the executive can not, under the law, take action; nor can he remove from the possession of a sheriff or constable a prisoner lawfully in his custody. From this it will be seen that, when the local officials are neglectful or too weak to perform their duty in such circumstances, he is entirely powerless. . . "

16 Ja 03, p.1

**W. Va. White.** " . . . Unfortunately, in both of these lynching cases the race question figured to some extent. But it is evident that, if the good name of the state is to be preserved, some additional powers must be conferred on the governor, and that some punishment should be inflicted on the officers of the law who permit these crimes to take place. In several of our states the governor has the power to remove the sheriff from office, and the heirs of the killed by a mob have the right of recovery of damages from the county in which the crime is committed. It might be well to also give the governor the power to remove a prosecuting attorney who does not do his duty in prosecuting cases of this kind. . . It has been suggested that the judges of the circuit courts be given more power in enforcing the law and in requiring the officers of the law to do their duty. . . I am not prepared to suggest just what form all the remedial legislation on this subject should take; but the governor ought to be authorized to employ detectives and to spend sufficient money to at least make a vigorous effort to bring the guilty to justice. Lynching is a cowardly crime, subversive of social order, productive of no good result, and leads to other crimes by making criminals of those who hitherto have been law-abiding citizens. It was no surprise to those who saw the spirit with which the Brooks lynching was regarded by the good people of Elkins and surrounding country, that a second horrible lynching took place a year later in the same county. There was involved in neither of these lynchings the honor of womanhood, which is so often urged as an excuse for lynching. They were simply cold-blooded lynchings for the sake of lynching. The attention of the Legislature is called to these two cases with the earnest hope that the efforts of the executive to condemn these crimes and bring the guilty to punishment will meet with your approval, and that needed legislation will be passed." 14 Ja 03, p.30-31

## Public health and safety

### General supervision

*See also Sick and disabled, 2160*

- a **Col. Orman**, 10 Ja 03, p.51-52. **Ct. Chamberlain**, 7 Ja 03, p.18. **Del. Hunn**, 6 Ja 03, p.12; State Board of Health. **Ill. Yates**, 7 Ja 03, p.19-21; State Board of Health. **La. Heard**, 12 My 02, p.21-22. **Me. Hill**, 8 Ja 03, p.18. **N. H. Bachelder**, 7 Ja 03, p.12; State Board of Health. **N. C. Aycok**, 7 Ja 03, p.29. **Okl. Ferguson**, 13 Ja 03, p.16. **S. D. Herreid**, 6 Ja 03, p.24-25. **Tex. Sayers**, 16 Ja 03, p.10.
- b **Id. Morrison**. "During the past few years, in various sections of the state, there have been almost endless annoyance and conflict in attempted enforcement of health laws. It has been clearly demonstrated that the statutes are not adequate to meet the necessities of rapidly developing communities having related responsibilities in the matter of quarantining and controlling dangerous and infectious diseases. The system of county regulation without re-

- sponsibility to state authority and supervision is inadequate and likely to beget unnecessary conflict. The schools and public institutions within the state should be subjected to a closer supervision by health officers, and principles of good sanitation made imperative. A system of collecting and preserving vital statistics and data in relation to marriages authorized and performed within the state is needed and should be embraced in a law revising and expanding the scope of the public health laws of the state. This subject is worthy of your careful consideration." 5 Ja 03, p.11-12
- c Or. Chamberlain. "... Because of our present intimate and growing trade relations with the Orient, and the danger to be apprehended from the importation of diseases which afflict oriental races, a general health law should be considered and enacted by you, so that should epidemics of contagious diseases threaten us, some protection may be afforded our people." 14 Ja 03, p.30
- d U. S. Roosevelt. "... The government should see to it... that the hygienic and sanitary legislation affecting Washington is of a high character. The evils of slum dwellings, whether in the shape of crowded and congested tenement house districts or of the back alley type, should never be permitted to grow up in Washington. . . The city should be a model in every respect for all the cities of the country. The charitable and correctional systems of the district should receive consideration at the hands of the Congress to the end that they may embody the results of the most advanced thought in these fields. . . " 2 D 02, p.22
- e U. Wells. "... In the matter of actual legislation, little would seem to be needed. I am disposed to approve, however, of such amendments to existing law as will provide for annual reports by city and county boards of health to the state board; for the remuneration of county health officers; and for the constant employment of at least one medical inspector, whose function it shall be to assist local boards in the performance of their duties and see to the securing of accurate vital statistics. . . " 13 Ja 03, p.1

940 **State control of medicine**

943 **License to practise**

944 **Medicine**

- a Ari. Brodie. 10 Ja 03, p.10. Ill. Yates. 7 Ja 03, p.20; State Board of Medical Examiners. Tex. Sayers. 10 Ja 03, p.22.
- b Mich. Bliss. "The State Board of Registration in Medicine favors amendments to the medical law, having in view both the elevation of the standard and the uniformity of the act in connection with the medical laws of states which have taken an advanced position, in order that worthy and well qualified physicians and surgeons who have been legally authorized to practise under the laws of other states may be given the right to practise in this state without being forced to submit to a repetition of the examination which they had previously undergone." 8 Ja 03, p.20

- c **U. Wells.** "The State Board of Medical Examiners recommend an amendment to the law relating to the practice of medicine, enabling the board to issue certificates to physicians presenting certificates from the boards of other states whose laws permit the acceptance of Utah's certificates without examination. . . ." 13 Ja 03, p.42
- d **Wis. La Follette.** "The report of the State Board of Medical Examiners to the executive suggests the need of amendments to existing laws . . . and when they are able to quote, as they do, from a recent decision of the Supreme Court in effect that the medical laws are in a chaotic condition, their request for legislative consideration appears reasonable." 15 Ja 03, p.97

948

**Dentistry**

- a **Ark. Brodie,** 19 Ja 03, p.16.
- b **Okl. Ferguson.** "A law should be enacted to protect the public against incompetent persons who are unauthorized, not qualified, and yet attempt to practise dentistry." 13 Ja 03, p.18
- c **S. D. Herreid.** Board of Dental Examiners. "... On the ground of public policy, no private association or 'close corporation' [State Dental Society] should be authorized to dictate the appointments to be made by the governor, for which he is, and justly so, responsible to the people of the state. . ." 6 Ja 03, p.41

949

**Pharmacy**

- a **Ill. Yates,** 7 Ja 03, p.22; **State Board of Pharmacy.** **Okl. Ferguson,** 13 Ja 03, p.16. **Wy. Richards,** 13 Ja 03, p.21-22.
- b **S. D. Herreid.** "In the performance of my official duties I had occasion to examine ch. 132, laws of 1893 . . . being an act creating a South Dakota pharmaceutical association, establishing a board of pharmacy and regulating the practice of pharmacy in the state. . . This law is rank class legislation and against public policy. . . It seems to me that the State Board of Pharmacy should be divorced from the Pharmaceutical Association; that, while said association might recommend men for said board, it should not be permitted to dictate the appointments; nor redistrict the state; and thus affect its membership; nor fix the annual license fees; nor foist on said board a secretary and treasurer; nor pay the salary and traveling expenses of its officers out of funds that belong to the state treasury. . . ." 6 Ja 03, p.42-44

955

**Adulteration. Inspection of articles liable to affect public health***See also Adulterations and imitations, 1466*

956

**General**

- a **Ill. Yates,** 7 Ja 03, p.23; **pure food commission.** **Minn. Van Sant,** 7 Ja 03, p.12-13. **N. D. White,** 8 Ja 03, p. 15; **enforcement of pure food laws.** **S. C. Heyward,** 21 Ja 03, p.12. **U. Wells,** 13 Ja 03, p.40. **Wis. La Follette,** 15 Ja 03, p.88-89.

- b Col. Orman.** "I am of the opinion that the interests of the people of Colorado would be wisely subserved by the enactment of an entirely new pure food law. . . Large amount of adulterated food finds its way into our markets, and no effective provision has as yet been made to correct the evil. I believe that the state dairy commissioner could as well look after the state's interests in this matter as not, being known as the state dairy and pure food commissioner. . . " 10 Ja 03, p.57-58
- c Col. Peabody.** " . . . It seems to me that it should be quite desirable to enact legislation providing for the appointment of a commission or commissioner, whose duties should combine that of dairy commissioner and other departments relating to the public health with the duty of enforcing the existing laws relating to the adulteration of food and drink, with such amendments thereto as wisdom might suggest. . . " 13 Ja 03, p.91
- d Neb. Mickey.** "The food commission law should be made more comprehensive. . . The scope of the present law should be broadened so as to include the regulation and control of food products for the use of man. . . " 6 Ja 03, p.48-49
- e Neb. Savage.** "The law looking to the suppression of adulterants in food products aims at meritorious attainment, but its dominion is so circumscribed as to arrest its potency and compromise its efficacy. As now constituted it permits restraint to be exercised over dairy, cider and vinegar products and adulterations of the same and with that the authority of the food commissioner ends. I recommend that the law be so amended as to include all food products. . The law should be broadened in scope and the department be transferred to the university where, without entailing any additional expense, it may have the advantages of a laboratory and of mind qualified for scientific investigation and research in chemistry." 6 Ja 03, p.1
- f S. D. Herreid.** "The Legislature of 1899 enacted a pure food law which remained inoperative till the following Legislature created the office of food and dairy commissioner for its enforcement and for regulating the manufacture and sale of dairy products. . . " 6 Ja 03, p.2
- g W. Va. White.** "I wish to emphasize the recommendation [of the State Board of Agriculture] for the necessity for the passage of a pure food law. . . I heartily commend the recommendation of the Board of Agriculture for a pure food law." 14 Ja 03, p.7

972

## Other articles of food and drink

998

## Liquors

- a Ark. Davis.** " . . . You will see from an examination of the Missouri statute that the governor is authorized to appoint a beer inspector. . . The expense of this inspection is placed as a tax on the beer, at 3c per gallon made or consumed. This would not only be a profitable source of revenue for Arkansas, but it would insure a purity of the malt liquors sold. . . " 14 Ja 03, p.32-

1018

**Communicable diseases***See also* Communicable diseases of animals, 1143

1020

**Prevention and restriction (general)**

- a Ind. Durbin, 8 Ja 03, p.35. Nev. Sadler, 19 Ja 03, p.6-9; epidemic in Tonopah mining district.
- b Cal. Gage. "... The governor of this state . . . should always have an emergency fund of from \$100,000 to \$150,000 in readiness to deal properly with sudden and dangerous disease epidemics of all kinds which might hereafter be brought from other states and foreign countries." 5 Ja 03, p.41

1023

**Quarantine and isolation**1024 **Maritime quarantine**

- a Or. Chamberlain. "The law in so far as it provides for a health officer at Astoria with a salary of \$1000 per annum, with a boatman at \$500 per annum, ought to be repealed. For a number of years past this has been a sinecure. All the duties prescribed for such officer are now covered by the United States quarantine officer at that port. He has precedence over any state officer, and has a well equipped quarantine station and boarding steamer. . . "

14 Ja 03, p.30

1025 **Leper home**

- a La. Heard, 12 My 02, p.36-37.

1030

**Special diseases**1032 **Bubonic plague**

- a Ari. Brodie, 19 Ja 03, p.21; bubonic plague. Cal. Gage, 5 Ja 03, p.27-41; reports concerning existence of, in California.

1042 **Tuberculosis**

- a N. J. Murphy, 13 Ja 03, p.10; hospital for consumptive poor.
- b Del. Hunn. "The advisability of establishing a sanatorium for the cure and the eradication of the most prevalent scourge by which human life is endangered, known in modern science as tuberculosis, should command at your hands the most serious consideration. . . "

6 Ja 03, p.13

- c Ill. Yates. "By joint resolution, the Senate and House of the 41st General Assembly directed the State Board of Health to investigate the advisability of establishing a state sanatorium for consumptives, and to report thereon to the governor before Jan. 1, 1901. . . I recommend the construction of such an institution. . . "

7 Ja 03, p.35

- d Minn. Van Sant. "The last Legislature provided for the appointment of a commission to investigate the advisability of establishing a state sanatorium for consumptives. . . The commission recommends that \$150,000 be appropriated to build a sanatorium and procure a suitable site. . . "

7 Ja 03, p.20

- e R. I. Garvin. "... I recommend an appropriation for the erection of suitable buildings and for the carrying on, under proper



supervision, of a sanatorium for the treatment of tubercular patients." 6 Jan

1046 **Yellow fever**

- a S. D. Herreid, 6 Jan 03, p.22-24.

1048

**Disposition of the dead**

1051

**Practice of embalming and undertaking**

- a S. D. Herreid, 6 Jan 03, p.32-33.

1065

**Nuisances (general)**

*See also Drainage, 1191; Sewerage, 2660*

- a Cal. Gage. "Notwithstanding that the reports of plague in the Chinese quarter of San Francisco have been unfounded, the fact that the city will always be somewhat of a menace till better sanitation is there enforced. Its uncleanly state, and the mode of life and habits of many of the Chinese residents, seem to me to require legislative inquiry and appropriate legislation whereby under some conditions may be abated and the various underground passages as far as possible, abolished; and perhaps it might be well, furthermore, to give careful consideration to the advisability of measures looking to a change in the location of Chinatown."

5 Jan 03,

1079

**Pollution of water**

- a Nev. Sadler, 19 Jan 03, p.14. W. Va. White, 14 Jan 03, p.98-100.  
b Nev. Sparks. "I am heartily in accord with and desire to emphasize Governor Sadler's recommendation with reference to the pollution of waters of the rivers, lakes and streams. . ."

23 Jan

1084

**Smoke**

- a Mon. Toole, 5 Jan 03, p.43-44; effect on live stock of smoke.

1090

**Public safety**

Protection of human life from accidents, casualties etc. *See also* Factory regulations, 2644; Public safety and comfort (railroads), 1313; Public safety and comfort (streets), 1318

1092

**Fires**

*See also* Forest fires, 1893

1093

**Fire marshals. Inspector**

- a Ind. Durbin. "I recommend the enactment of a fire marshal law, modeled after that of the state of Massachusetts. The loss is directly responsible for excessive premiums. . . In those places where fire marshal laws have been enacted, better conditions prevail, and when these laws are general, fire losses can be reduced and premiums thereby lowered. . . " 8 Jan 03  
b Mich. Bliss. "The annual fire waste, which results in the complete wiping out of the value represented by the property destroyed, calls for serious consideration on your part. A careful investigation

tion of all fires occurring in the state with a view to determining their cause and correcting the conditions which make them possible would certainly result in a substantial reduction in the present enormous fire waste and thereby eventually reduce the loss ratio and decrease the premium rates. . . With a view to reducing as far as possible the great loss due to carelessness, accident and incendiarism, I suggest the enactment of a law providing for a system of state fire inspection which should be attached to the Insurance Department. . . "

8 Ja 03, p.18

1099

**Buildings. Sanitation and safety**

1102

**Exits**1103 **Fire escapes**

- a **W. Va. White.** " . . . I specially urge that fire escapes should be required not only on factory buildings, but on all hotels in this state that are more than two stories in hight."

14 Ja 03, p.89

1110

**Tenement houses**

- a **N. J. Murphy.** Tenement house regulation. "As our state grows in population, an increasing number of the people are compelled to live in tenements. . . I recommend the appointment of a commission to investigate the subject, with power to employ proper assistance and to report to the next Legislature, and that \$5000 be appropriated for their expenses, the commission to serve without pay."

13 Ja 03, p.12-13

- b **N. Y. Odell.** "The tenement house law, which was enacted in 1901 and amended at the session of 1902, I am satisfied should be further amended. It is claimed that conditions which are applicable to New York city should not apply to the Borough of Brooklyn or to the city of Buffalo. . . "

7 Ja 03, p.30

1112

**Floods. Life saving***See also* Levees and dikes, 1197

1113

**Floods**

- a **N. M. Otero,** 19 Ja 03, p.49-50; flood sufferers.

1124

**Miscellaneous**

1128

**Boilers and engineers**

- a **W. Va. White,** 14 Ja 03, p.88.  
b **Mich. Bliss.** "The commissioner of labor recommends legislation providing for steam boiler inspection, and for the examination and licensing of stationary engineers. . . "

8 Ja 03, p.18

1129 **Inspection**

- a **Col. Orman,** 10 Ja 03, p.58-59. **Mon. Toole,** 5 Ja 03, p.24.

1143

**Communicable diseases of animals**

1144

**General. Inspection and supervision**

- a **Ari. Brodie,** 19 Ja 03, p.15-16; Live Stock Sanitary Board and veterinary surgeon. **Col. Orman,** 10 Ja 03, p.55-56; State Veterin-

- ary Sanitary Board. **Ill.** Yates, 7 Ja 03, p.25; State Board of Live Stock Commissioners. **Kan.** Bailey, 13 Ja 03, p.3. **Neb.** Savage, 6 Ja 03, p.10-11. **Okl.** Ferguson, 13 Ja 03, p.17; Livestock Sanitary Commission. **Tex.** Sayers, 16 Ja 03, p.12; Livestock Commission. **Wis.** La Follette, 15 Ja 03, p.89. **Wy.** Richards, 13 Ja 03, p.17-19.
- b **Col.** Orman. "For a great many years the work of this board [State Veterinary Sanitary Board] has been curtailed by reason of the fact that under the law only 10 inspectors can be employed, one of whom is detailed to perform the duties as secretary of the board. . . At least 20 inspectors could be constantly and profitably engaged in the work of inspection. The law should also be changed in some particulars, vesting more power and authority in the board, so that the board could compel a compliance with the provisions of the law. The demands made on the state by the stock interests in the past have certainly not been burdensome, and I cheerfully recommend that steps be taken to place this board on a more substantial and effective basis. . . " 10 Ja 03, p.54-55
- c **Kan.** Bailey. "By reason of the extended territory embraced in quarantine laws passed in 1901, and new railroads having been built and old ones extended into new territory, the [live stock sanitary] board felt called on to employ inspectors beyond the contemplation of the appropriation of the last Legislature, in order to meet the requirements of the statute, and I recommend an appropriation to cover this expense, as suggested by the Sanitary Board. The whole number of inspectors employed did not at any time exceed the statutory provision. . . The board recommends the amendment of the law which admits cattle intended for immediate slaughter free of charge to our state and markets, and makes them liable for inspection fees, the same as any other cattle. It is claimed this will not increase the work or expense and will nearly double the revenue from that source. It will also eliminate the dangers of the Texas fever contagion in the native division of the Kansas City market, from which source the state has suffered during the past year, as the infection which has been encountered in different counties is directly traceable to the Kansas City yards. . . " 13 Ja 03, p. -
- d **La.** Heard. " . . . At present, no law exists regulating adequately the introduction of diseased animals. . . I earnestly suggest that such legislative action be taken as will enable the Department of Agriculture to prevent the importation of diseased animals to the state, and to provide sanitary measures in cases of outbreaks of disease affecting stock." 12 My 02, p. 1
- e **Me.** Hill. "The cattle commissioners have condemned and destroyed more cattle and horses during the past two years than ever before in the same period. Owners of cattle are coming better to understand the dangers of tuberculosis, and the commissioners are called on to make a larger number of investigations. . . " 8 Ja 03, p. 1

## ADMINISTRATIVE LAW PUBLIC SAFETY

I:

- f Nev. Sparks.** " . . . Our law has vested in the State Board of Health all power and authority for the prevention and control of infectious diseases applicable to human beings and live stock. This board is appointed by the governor, and, of course, the interest of humanity and the health of the people demand first attention. Physicians of repute have always been appointed and have had control, but physicians who are skilled in the treatment of diseases prevalent among men are not likely to be the best veterinarians, and do not have the time to devote to such practice, and, further, under our law, have no power over diseased animals till they get within our borders. The governors of other states have the power conferred on them to quarantine against all states or infected districts; and it is my opinion that it would be to great advantage to the stock interests, if such power was conferred on the governor of this state, and still retain the State Board of Health for the management and control of human diseases. I ask further that an appropriation be made for such purpose, and [the governor] if necessary be empowered to employ a competent veterinary surgeon to examine local epidemics that might break out in different sections of this state. . . . " 23 Ja 03, p.4-5
- g Okl. Ferguson.** " If a sufficient fund should be provided for use by the [experiment] station in the free distribution of vaccine, it would afford a safeguard against the spread of blackleg among cattle throughout the territory. . . . " 13 Ja 03, p.18
- h S. D. Herreid.** " . . . Had it not been for the action of the last Legislature in providing for a salaried veterinary surgeon, it is now evident that the losses among the stockmen of our state would have been enormous. . . . " 6 Ja 03, p.31
- i U. Wells.** " I am reluctant to recommend the multiplication of offices or the creation of new ones, except to meet the most urgent and apparent necessity. A condition of this kind, however, clearly seems to exist now, in our lack of all provision for an official or board of officials having in hand the enforcement of the laws and the adoption of regulations relating to contagious and infectious diseases of animals. Utah is singularly lax and behindhand in this important matter, and the result is not only that shipments of live stock from this state are the objects of immediate suspicion, which gives our stock interests and the state itself a bad name, but that our shippers are put to great annoyance and pecuniary loss through the delays of inspection, quarantine etc., on reaching or while in transit to their destination. Testimony is before me from prominent woolgrowers as to the alarming prevalence of scab among our flocks, causing the annual loss of thousands of dollars through the decrease and deterioration of the wool clip. . . . The evidence and the suggestions referred to I commend to your early notice, adding the recommendation that there be created without further delay a state board of live stock commissioners, whose secretary shall be a qualified veterinarian and whose compensation shall be such

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as to justify the bestowal of his entire time on the performance of his duties. . . In this same connection I suggest that the state may receive great benefit if our laws are amended so as to invest the bureau of animal industry of the United States with the right of inspection, quarantine and condemnation of animals, with power to call on sheriffs, constables, peace officers, etc.—in a word, to confer on the officials of this national bureau the same power to enforce the laws of the state as the state inspectors would have. . .

13 Ja 03, p.38-9

- j **Wy. Richards.** "The members of the commission have found it almost impossible to eradicate diseases among sheep, under our state inspection laws, as the state does not feel justified in paying salaries for county inspectors. . . The Bureau of Animal Industry of the United States, working under the Agricultural Department, has placed many inspectors in this state, who with great thoroughness, examine all flocks before they are loaded in cars for shipment to other states, and they have done their work with such efficiency, that the Board of Sheep Commissioners of Wyoming has asked the department, through its western agent, Mr George S. Hickox, if it was not possible to arrange matters so that all inspections of sheep should be made under the direction of the government inspectors. The board has received a favorable reply—conditioned on our Legislature so amending our inspection laws as to allow the Bureau of Animal Industry of the United States the right of inspection, quarantine and condemnation of diseased animals, with full power to call on constables and other peace officers in the enforcement of their authority. I would earnestly recommend that this be done, as means will thus be provided by the United States, without cost to the state, for the suppression and extirpation of pleuropneumonia, scab and other contagious diseases among domestic animals in Wyoming."

13 Ja 03, p.18-1

1146

**Quarantine**

- a **Okla. Ferguson.** "There can be but one solution of the quarantine problem, and that is an absolute prohibition against southern cattle coming into Oklahoma, for a period of time sufficient to free the territory completely from infection. . . "

13 Ja 03, p.

1151

**Special diseases**1159 **Foot and mouth disease**

- a **Mass. Bates.** ". . . It has not been possible to determine the exact origin of the disease in this country; but it has appeared in many of our towns and cities, and in the efforts to stamp it out there have been to Jan. 1 of the present year 194 herds quarantined, 4496 animals quarantined, 91 herds killed, 1848 animals killed. As a result of the stringent measures adopted, it is hoped that the disease will be entirely eradicated; but the cordial cooperation of the public with the state and national officers is necessary if this hope is soon to be realized."

8 Ja 03, p.17-

## Control of waters

## Waterways

*See* Navigation, 1800; Canals, 1383

## a Irrigation. Water rights, power, storage

## b General. State control

a Ari. Brodie, 19 Ja 03, p.11; United States irrigation law. Cal. Gage, 5 Ja 03, p.9-20; veto of irrigation bill. Cal. Pardee, 7 Ja 03, p.8-9; revision of irrigation laws. Col. Orman, 10 Ja 03, p.17-19. Col. Peabody, 13 Ja 03, p.96-97. Neb. Savage, 6 Ja 03, p.19-20; cooperation with national government. S. D. Herreid, 6 Ja 03, p.33-34. Tex. Sayers, 16 Ja 03, p.23. U. S. Roosevelt, 2 D 02, p.18. U. Wells, 13 Ja 03, p.10-12. Wy. Richards, 13 Ja 03, p. 6-7, 12-13.

b Cal. Gage. "The Legislature, at its last session in 1901, passed a measure, known as Senate bill no. 7, apparently, but not really, for the benefit of the irrigation needs of the state, which bill, for the reasons here stated, I was compelled to disapprove. . . I am heartily in favor of all proper and adequate laws which will conserve the waters of the state and safeguard its forests, and I believe in the allowance of sufficient state appropriations to carry into effect practical state projects and plans; but such appropriations should neither be continuous nor excessive, so as to become burdensome to the citizens, nor should the state attempt to trench on the domain of the federal government nor undertake projects and plans which the nation is willing to execute and the expenses of which it is willing to assume."

d Id. Morrison. " . . . Of this vast territory, comprising 65,000 square miles, approximately 10,000,000 acres may be made highly productive by the application of water, and, excluding that already cultivated, not less than 2,000,000 acres can be reclaimed at a moderate cost per acre. As a state, we must be prepared to cooperate with it [the national government] by such an adjustment of legislation as will invite aid and remove, as far as possible, every cause of friction or delay. . . The fundamental principle on which the district irrigation law of this state is founded is that the people who till the soil should own and operate the irrigation systems which supply the water. This principle, as demonstrated by long experience, is sound, and I am gratified to know that the general government has adopted it as an essential element in shaping its policy."

e Mon. Toole. Arid Land Grant Commission. "While I am a believer in irrigation as a necessary means of general and permanent prosperity in this state, I doubt very much the propriety of committing the state to the policy of perpetual ditch tender and mender for its inhabitants on irrigated areas. . . "

f Nev. Sparks. "It is important that our state government should cooperate in every way with the national government in the impor-

tant work, and if legislation is necessary to secure such cooperation, it should be enacted. . . " 23 Ja 03, p.9

- g Or. Chamberlain. "The development of irrigation projects by private companies under the Carey act, and by the United States under the Maxwell act of 1902, makes essential some legislation governing water and riparian rights. The act of 1901 of this state, accepting the provisions of the Carey act, is crude. There should be further legislation along the same lines. . . " 14 Ja 03, p.36

- h U. Wells. "I trust that . . . you will undertake the preparation of needful addition to and amendment of existing laws. . . This duty becomes the more imperative because of recent congressional action calculated to aid in the construction of reservoirs and to promote generally the reclamation of the arid lands. . . Of first importance is probably the definition of existing water rights, at present only imperfectly provided for. . . " 13 Ja 03, p.11

1185

**Districts. Local construction**

- a Id. Morrison, 5 Ja 03, p.16-18.

1189

**Artesian wells**

- a U. Wells. "At the fourth regular session of the Legislature the sum of \$10,000 was appropriated and placed at the disposal of the State Board of Land Commissioners for experiments in sinking artesian wells. . . The investigation resulted in the fixing on a site for an experimental well at a point about 5 miles southwest of the town of Holden, in Millard county. . . " 13 Ja 03, p.22

1190

**Water rights, power and storage generally**

- a N. M. Otero, 10 Ja 03, p.49. Wy. Richards, 13 Ja 03, p.13-14.
- b Col. Peabody. "I desire to call special attention to the suit of the state of Kansas against the state of Colorado, now pending in the Supreme Court of the United States. . . While the litigation is a direct attack on the Colorado use of the waters of the Arkansas river, it is at the same time, and in almost as direct a manner, an attack on our whole system of irrigation. It is the contention of the state of Kansas that Colorado ditches have diminished the flow of the Arkansas river, and that they can not legally withdraw the waters of a Colorado river for irrigation if that act diminishes the flow of the stream over Kansas lands; and that, too, regardless of any question as to whether the Kansas lands require irrigation. In other words, Kansas is asserting the common law doctrine of riparian rights as against our well known irrigation user." 13 Ja 03, p.85-86
- c Id. Morrison. Water rights. "Under the Constitution you are prohibited from the enactment of laws which may disturb or vitiate priorities. The adjudication of existing priorities must be left to the courts. It is possible, however, to enact a law that will con-

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1191-1

template the perfection of a record of the present status of appropriations. If such a record could be made and given the authority of other public records relating to real property, it would fix a time back of which it would be unnecessary to go in the settlement of future controversies. . . "

5 Ja 03, p.15

## 11 Drains. Dikes. Levees

## 95 State ditches

- a **Minn. Van Sant.** "In accordance with the law enacted during the last session of the Legislature appropriating \$50,000 for drainage, the board thereby constituted, consisting of the auditor, the secretary of state and the governor, met, organized, and selected an engineer, and provided for the prosecution of the work as contemplated by the law. After careful surveys contracts were entered into for nine ditches; several have been completed and others are well under way. . . These ditches have reclaimed many thousand acres of land, and it is certainly desirable that this work should be continued, as the necessity for more ditches is very great in some portions of the state. . . "

7 Ja 03, p.16

## 1197 Levees. Dikes

- a **La. Heard,** 12 My 02, p.22-25. **La. Heard,** 12 My 02, p.25; levee boards should make biennial report to General Assembly.

## 1199 Hot springs. Mineral waters

- a **W. Va. White,** 23 F 03; state property at Capon Springs.
- b **W. Va. White.** " . . . It is believed that there should be some legislation regarding the mineral springs of the state, as will enable the people to have the use of the waters at the lowest minimum cost, to be protected from fraud and adulteration in the same, and to be informed and controlled in the proper use and application of said waters, under such medical direction as may be necessary, in order that persons using said waters may receive the greatest benefit therefrom. . . "
- c **Wy. Richards.** "The wonderful waters of these mineral springs, which are almost identical with those of Carlsbad, Germany, are attracting much attention, and have produced some wonderful cures, and the state will be justified in spending a reasonable sum in the care and improvement of this reservation."

14 Ja 03, p.81

13 Ja 03, p.11

## 1200 Transportation and communication

*See also Navigation, 1800*

## 1201 General

- a **W. Va. White.** "I recommend that the Legislature pass an act embodying the following provisions: 1 Railroads and other common carriers should transport all products offered. . . 2 Railroads



should promptly and on reasonable terms establish connections with all branch or connecting lines, and put in switches on application. . . A railroad should not hinder . . . grade crossings or overhead crossings by another railroad. . . 3 There should be no discrimination, directly or indirectly, on the part of any railroad company in favor of or against any shipper, or against any branch or connecting line or shippers thereon. . . 4 The ownership or interest of railroad corporations in coal mines should be prohibited, because it results in placing a limit on production in favor of the railroad combination so owning or so interested. . . 5 Railroads should be confined solely and exclusively to the purposes for which they were incorporated and not be engaged in owning lands, mining or manufacturing of any kind, either directly or indirectly. 6 No railroad should build a parallel or competing line or lines on both sides of any stream or river in the state; nor build on both sides of any stream or river so as to obstruct or hinder the building of another railroad. No railroad company should prevent or try to prevent another railroad company from building a railroad in any place or part of the state. 7 Small mine owners of West Virginia and the so called independent operators are gradually but surely being forced to the wall and out of business, because they can not get switches put in, and those having switches can not get cars. . . It is a fact that in many cases railroad companies refuse to make connections with another railroad company or put in switches, and their officers openly declare they do so for the reason that there is already too much coal mined. These abuses and discriminations should be corrected and prohibited. 8 No firm, individual or corporation shall own, directly or indirectly, or be interested in parallel or competing lines of railroad in the state of West Virginia. . . 9 The obtaining of a charter for a railroad company is now too easy. Before a charter is granted there should be required to be subscribed an adequate amount to the capital stock, and a larger portion than now required of the subscribed capital stock should be paid up in cash. A railroad company after receiving its charter should be required to begin work in good faith and to continue the work till its railroad is completed. . . Laws, however, do not enforce themselves. . . There must be proper and adequate machinery, and the history of railroad legislation shows this to be a commission or court of experts. The commission may consist of one man or of three men. I earnestly urge the creation of a railroad commission. . . "

14 Ja 03, p.103-6

1203

**Rates. Discrimination**

1204

**General**

a Wis. La Follette, 15 Ja 03, p.25-57.

b U. Wells. " . . . § 15 of art. 12 provides that the Legislature shall pass laws establishing maximum rates of transportation, for the correction of abuses and the prevention of discrimination, etc.,

and shall enforce these laws by adequate penalties. This matter has been called to the attention of your predecessors, and is now repeated, in the belief that, while your duty in the premises is plain and should not longer be neglected, it should, nevertheless, be approached in that spirit of conservatism and exact justice which has been characteristic of all our railroad legislation of the past."

13 Ja 03, p.46-47

- c **Wis. La Follette.** " . . . Since the railway companies threaten the use of their unlimited power in imposing rates to coerce the state into exempting their property from its share of taxation, they have, by this very act, aroused public concern with respect to the rates of transportation which Wisconsin shippers have been and are now paying. . . As a means of insuring reasonable transportation charges, laws have been enacted in different states providing for a commission with powers to regulate rates, subject to revision by the courts. Such laws have been enacted in the adjoining states of Illinois and Iowa, the commissions in each of those states being empowered by the Legislature to fix maximum transportation charges above which the railroad companies are not permitted to go without first assuming the burden of establishing in court that the rate is so low as not to yield the railroad company a reasonable margin of profit. In Wisconsin the railroad companies fix freight charges without any control, regulation, or limitation in any manner by the state. The opportunity is therefore presented to apply the tests of comparison to the two systems of railway traffic, namely, the system where rates are fixed by railroads without state control, and the system where the state has assumed and exercises authority in regulating such rates. I am able to present to you comparison between the transportation rates in Wisconsin, Iowa and Illinois. The figures for Illinois are not as complete as for Iowa, but in so far as obtained are reliable and indicate discrimination against Wisconsin similar in character to that found by comparison with Iowa rates. This investigation covers so wide a field, extends to so large a variety of shipments as to be conclusive of the whole question. . . "

15 Ja 03, p.25-26

126

### Passenger rates. Passes

*See also Fares (street railways), 1365*

237

### Passes. Franks

- a **Wash. McBride.** " . . . The practice of giving free passes has been highly detrimental to the public service. Not a single valid argument can be adduced in its favor. Free passes in the hands of an unscrupulous lobby have been a potent instrument in seducing public officials from their allegiance to the people, and in throttling legislation not satisfactory to the railroads. The mandate of the Constitution—the pledges of both political parties—the personal honor and integrity of members of the Legislature, all unite in urging the passage of a stringent antipass bill." 13 Ja 03, p.25-26

1266 **Railways. Car companies. Express**

*See also* Corporations, 500; Corporation taxes, 840; Taxation of transportation companies, 845; Labor, 2040

1268 **Corporate organization and power**

Chiefly steam roads, but many of the general laws and special provisions include kinds of railways

1269 **General. Incorporation**

- a Mich. Bliss, 8 Ja 03, p.21-22; Michigan Central charter repe:

1272 **Consolidation, sale, lease**

- a Minn. Van Sant, 7 Ja 03, p.28-31; Northern Securities Company. Mon. Toole, 5 Ja 03, p.47-49; Northern Securities Company. McBride, 13 Ja 03, p.23-25; Northern Securities Company.
- b Tenn. McMillin. "During the latter part of last year there rumors and fears expressed of such consolidation between existing competing lines in Tennessee. . . I now submit the question to you with the expression of opinion that any consolidations in our industry which have for their purposes or which would result in the destruction of legitimate competition would be detrimental to the interests of our people. . . " 12 Ja 03

1280 **Public ownership and aid**

1282 **Public aid. Exemptions. Subscription to stock**

- a N. C. Aycock, 7 Ja 03, p.27-28; Atlantic and North Carolina Railroad Company.

1285 **General supervision and regulation**

1286 **General. State boards**

- a Ill. Yates, 7 Ja 03, p.40; Railroad and Warehouse Commission. Minn. Van Sant, 7 Ja 03, p.11-12.
- b Kan. Bailey. "The law creating this board [of railroad commissioners] was passed by the Legislature in its session of 1900 took effect on the 29th day of March of that year. . . Of the cases that have been tried and settled, 106 have been favorable to the complainants and 46 to the respondents. No appeals have been taken from the findings and judgments of this board. . . Kansas City-Leavenworth Railway Company, an interurban road operating by electricity in and between the cities of Leavenworth and Kansas City Kan., carries both freight and passengers and crosses at grade the tracks of other railroads operated by steam. This road, and all other interurban roads doing business as common carriers and operated by electricity, in my judgment should be placed under the jurisdiction of this board. The relations between the railroads and telegraph companies are so intimate and close that in some cases jurisdiction over the telegraph companies is necessary in order to get a full and satisfactory adjudication of the issues, and for this reason the board feels that the telegraph companies of the state should be placed under its jurisdiction."

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this recommendation of the board, in my judgment, is worthy of your careful consideration. . . . " 13 Ja 03, p.5-6

- c **Minn. Van Sant.** "The railway department for years has been hampered in its work from the fact that practically no two railway companies have the same system of bookkeeping, nor have the same basis for reporting the gross earnings for the purpose of taxation. This matter has been taken up by the present commission, and a uniform system has been adopted and accepted by the various railway companies. . . Rates on live stock have been reduced over a large territory. All roads charging over 3c have been required to reduce passenger rates to a maximum rate of 3c per mile. I would suggest for the consideration of your honorable body the extending of the state law so as to prohibit the railway companies from raising the rates on any commodities or merchandise or to so change its classification as to have that effect, between stations in this state, without first obtaining the consent of the commission." 7 Ja 03, p.12

- d **Mon. Toole.** "I recommend the passage of a law creating a state railroad commission. . . To tolerate in this state any power above the law, or submit to the exercise of privileges, granted by us to corporations, in such manner as to be oppressive or unjust to the people would be to surrender our sovereignty and write ourselves down as amiable idiots, unfit for local self-government."

- di **Tex. Sayers.** "Prior to the organization of the commission in 1891, the provisions of the Constitution and law relating to railway corporations had been ignored, and the wisdom and practicability of their enforcement was gravely doubted by many intelligent and well meaning persons. The management of the railways was then oftentimes conducted regardless of the rights of individuals and of communities; and so great and so many had the abuses become that a commission, vested with all the authority of supervision and regulation which the Legislature could confer, became a necessity, and with it a limitation on the companies as to the issuance of stock and bonds. Accordingly, laws were enacted on these lines, and in the results from an operation of 11 years their practical utility is clearly and forcibly demonstrated; so that, today, there are but few, if any, well informed people, who would have them repealed and the conditions prior to 1891 restored. Nor would the companies themselves, however violent their antagonism may first have been; for rate wars in the state have ceased, and these holdings have become permanent investments, and do not now possess the speculative characteristics of former years. . . In 1891 the number of miles of railway was 8654, with outstanding stock and bonds amounting to \$38,765 per mile; on Dec. 1, 1902, the number of miles, exclusive of yard tracks and sidings, was 10,884, with an aggregate in stock and bonds of \$33,360 per mile—being a decrease per mile of \$5405. This is the direct result of one of these laws as enforced

by the commission, the benefit of which comes through reduced freight charges. To better understand and appreciate the value of the stock and bond law, it should be noted that it went into effect on Aug. 8, 1893, and that the percentage of increase in the total amount of stock and bonds per mile was 4.67% for the year previous; whereas, on the other hand, there have been decreases annually since it became operative, aggregating 13.94% to Dec. 1, 1902. Again, the average rate per ton per mile received on freight transported by railways in the state was, during the year ending June 30, 1891, 14.03 mills, but for the year ending June 30, 1902, it was 9.58 mills—a decrease of 4.45 mills per ton per mile. . . It is well to note that the commission has been very materially strengthened by the act of May 16, 1899, in regard to rebates and discriminations, which will, if rigidly and impartially enforced, do much toward the correction of these evils. The policy of the present administration in reference to railways has been to require the construction of additional mileage whenever a privilege has been granted, and wherever practicable, to force them into each other's territory, thereby creating a competition that will be beneficial to the public. . . "

16 Ja 03, p.5-6

- e **Wash. McBride.** "The most important matter to come before you, at this session, is the question of establishing a railway commission. . . But the time for discussing the question seems to me to be past. . . With the depositing of the last ballot on the 4th of November, the discussion was closed. . . On the one hand we have the solemn pledges of the two great political parties; on the other, an unscrupulous and corrupt lobby—a lobby that has become a stench in the nostrils of the people of the state. . . This lobby insolently boasts that a majority of the members of this Legislature are its creatures, ready to do its bidding. I repel this infamous charge. I do not believe it to be true, nor will I believe it, unless forced to do so by the record of the vote taken on the final passage of the measures to which both the political parties of this state are committed. . . "

13 Ja 03, p.26-27

- f **Vt. Stickney.** "The interests committed to this board [of railroad commissioners] are large and varied; and its membership should be composed of strong and safe men. It should then be given more authority and power to enforce its orders and judgments; otherwise the board is of doubtful usefulness, and should be abolished."

2 O 02, p.

1295

#### Location. Right of way

- a **Pa. Pennypacker.** "In Pennsylvania, as in all of the other American states, the principles on which the right of eminent domain is based have been too often neglected and forgotten. In my view, before any franchise is granted, either by special or general law, involving a disturbance of the individual right of property and before any exercise of the enormous power of eminent domain by a private corporation, there ought to be express asse-

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by the state itself, based on an ascertainment of the public need. This would mean the employment of a competent engineer to give information to the proper department. . . " 20 Ja 03, p.3-4

1301 **Traffic regulations**

1303 **Railroad stations**

- a **Ga.** Candler, 22 O 02, p.12-13; union passenger station at Atlanta.

1313 **Public safety, comfort and order**

1314 **Safety regulations**

1317 **Crossings**

- a **Vt.** McCullough. "I would recommend that the state begin a system of elimination of grade crossings of both steam and electric roads and the highways." 3 O 02, p.8

1336 **Street railways. Rapid transit**

1337 **General. Incorporation**

*See also Corporations, 500; Corporation taxes, 840; Taxation of transportation and transmission companies, 845; Labor, 2040*

- a **Ct.** Chamberlain. " . . . You will receive many applications for new charters and for amendments to old ones; you should carefully scrutinize them and refuse all applications which are made for speculative purposes or to prevent desirable competition by rival companies. In granting charters, safety as well as public convenience must be considered. The latest improvements in power, equipment, and roadbed, make possible a speed beyond the safety limit." 7 Ja 03, p.14-15
- b **Tex.** Sayers. "The law in regard to interurban railways being defective, legislation on the subject is recommended." 16 Ja 03, p.10

1352 **General supervision**

- a **Ill.** Yates. " . . . It would seem proper that the [railroad and warehouse] commission be given the same jurisdiction over electric railroads as it now exercises over steam railroads. . . " 7 Ja 03, p.41
- b **Mich.** Bliss. "I renew my former recommendation with reference to state supervision of suburban and interurban electric railway companies, which are rapidly assuming all the functions of steam railroads and are not subject to any form of general regulation. Their supervision should be vested in the commissioner of railroads and appropriate legislation to this end be enacted, in order to as fully as possible serve the public interests. . . " 8 Ja 03, p.17

1353 **Construction**

1365 **Fares. Passes**

- a **R. I.** Garvin. "I recommend that at this session of the Legislature such action be taken as shall result in compelling the street railways centering in the city of Providence to reduce the fare paid by passengers from 5c, the present rate, to 3c for riding the same distances." 6 Ja 03, p.15

**1368 Public safety and comfort**

**1373 Speed**

**a** **Mass.** Bates. "Several collisions during the past year between electric cars and vehicles using the highways have directed attention of the public to the speed at which cars are operated on different portions of the state. . . I do not question the wisdom of leaving the authority vested in the local officers, whose acquaintance with local conditions must be of assistance in determining what is a reasonable and safe rate of speed on these highways, but I suggest in the interests of all that both the local and the railway companies should have a right of appeal to the railroad commissioners, and that the latter should be authorized to act where the local board neglects to do so."

8 Ja 03

**1383 Canals**

**1386 Public ownership and aid**

**a** **Ill.** Yates, 7 Ja 03, p.44-45; Illinois and Michigan canal. **Mich.** Bliss, 8 My 02, p.42-43; new basin canal. **N. Y.** Odell, 7 Ja 03, p.22-23; St Marys Falls ship canal suit. **U. S.** Roosevelt, 2 D 02, p.11-12; isthmian canal enlargement.

**1393 Bridges. Tunnels**

**1401 Public bridges**

**a** **Pa.** Stone. "... While it is proper that the state at least should aid in the construction of bridges carried away by flood, it is hardly fair to counties in which no bridges are constructed, and I recommend the passage of an amendment to this act which will at least place a portion of this burden on the counties in which the bridges are built."

6 Ja 03

**1422 Commerce and industry (general)**

**a** **Nev.** Sparks. "I believe the time has arrived for this state to consider and prepare to assume a higher and more important position in commercial and industrial affairs. . . This state of feeling inclines me to recommend a liberal course to all who make investment in this state, as it seems to me that the most profitable methods would be to offer the best inducements possible to secure an increase of property investments in the state, in order to increase something to tax hereafter."

23 Ja 03

**b** **U. S.** Roosevelt. "It is earnestly hoped that a secretary of commerce may be created, with a seat in the cabinet. The rapid multiplication of questions affecting labor and capital, the growing complexity of the organizations through which both labor and capital now find expression, the steady tendency toward the employment of capital in huge corporations, and the world-wide activity of this country toward leadership in the international

ness world justify an urgent demand for the creation of such a position. . . " 2 D 02, p.9

## 1424 **Weights and measures**

### 1425 **General**

- a **W. Va. White.** " . . . It will be observed by the note appended to ch. 59 of the code, by the compilers thereof, that there is no provision made for a superintendent of weights and measures. . . " 14 Ja 03, p.96

## 1464 **Adulterations and imitations. Branding. Inspection**

*See also Adulterations liable to affect public health, 955*

### 1466 **Adulteration. Inspection**

#### 1474 **Fertilizers**

- a **La. Heard,** 12 My 02, p.13.  
 b **Ala. Jelks.** "The Constitutional Convention passed a resolution as follows: 'That it is the sense of this Convention that the Legislature, at its next meeting, should reduce the tag tax on fertilizers to an amount not to exceed the reasonable cost for the inspection thereof.' The present tax on fertilizers, of 50c per ton, paid into the treasury this year \$85,107.29. . . " 14 Ja 03, p.18-19

#### 1493 **Petroleum products**

- a **W. Va. White,** 14 Ja 03, p.97. **Wis. La Follette,** 15 Ja 03, p.95.  
 b **Ark. Davis.** " . . . I respectfully refer you to the question of coal oil inspectors, provided for by the statutes of Tennessee. The oil in our state is of such a character that needs our careful attention. It is true that the County Court in each county has the right under the statute to appoint a coal oil inspector for each county; but in every case where I have been able to investigate, the inspector who is appointed either is or immediately becomes the employee of the Waters-Pierce Oil Company, the inspection proves a farce, and as a result a poor, cheap grade of oil is sold to our people. From this also a very handsome revenue might be derived. Let each inspector be paid directly out of the state treasury and let all fees coming into his office be turned directly into the state treasury. . . " 14 Ja 03, p.33  
 c **Kan. Bailey.** "The report of the state oil inspector shows a net profit to the state from this department of \$14,000. His recommendation that the present law be so amended that the consumer can be protected against poor grades of oil, as well as the dangers of explosion, seems to me to be just, and I recommend this matter to your consideration." 13 Ja 03, p.18  
 d **Neb. Mickey.** " . . . I recommend that the oil inspection law be so amended as to include a test for impurities and that a standard of purity be established." 6 Ja 03, p.47  
 e **Neb. Savage.** " . . . I respectfully recommend that the inspection law be amended so as to include the inspection of gasoline and



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all oils for domestic use, that a maximum as well as a minimum test be established, and that all illuminating oils shall be of standard quality." 6 Ja 03, p.19

- f **Okl. Ferguson.** " . . . The existing law should be strengthened so as to be more efficient in protecting the interests of the public. . . " 13 Ja 03, p.13

- g **S. D. Herreid.** "For a number of years the state has had a law providing for inspection of illuminating oils. After nearly two years of arduous work the present oil inspector in his report for the year ending Dec. 31, 1901, declares that 'the inspection law of our state, to say the least, is simply a burlesque.' Strenuous efforts have been made with biennial regularity to enact some law that would protect the state from being the dumping ground for inferior oil that can not be disposed of in other states. . . " 6 Ja 03, p.26

- h **Tenn. McMillin.** " . . . In the early days of the use of coal oil and its products for illuminating purposes, one of the difficulties and dangers encountered arose from its highly inflammable nature and explosions resulting therefrom. Our inspection laws had their inception in fear of this danger, and were framed to guard against it. But recently difficulty has arisen from a different source. Instead of being too combustible, complaint is made that the oil put on the market is not sufficiently inflammable; instead of burning too readily, it will not burn at all. . . I recommend that you make thorough investigation and enact such legislation as will insure to the consumer a grade of oil that will burn. . . " 12 Ja 03, p.6

1508

**Warehouses. Markets**

1515

**Grain warehouses and inspection**

1517 Inspection

- a **Kan. Bailey,** 13 Ja 03, p.6; grain inspection department. **Minn. Van Sant,** 7 Ja 03, p.11-12; Railroad and Warehouse Commission. **Okl. Ferguson,** 13 Ja 03, p.18.

1630

**Encouragement of industries**

1632

**Bonus. Exemptions. Bounty**

1635 Beet sugar and sugar beets

- a **Kan. Bailey.** " . . . The past two years it has been well demonstrated that portions of our state are adapted to the production of sugar beets yielding largely in tonnage and sugar content. The last Legislature provided for the payment of a bounty of \$1 per ton on all sugar beets grown in Kansas in the years 1901 and 1902, containing not less than 12% of sugar and actually used in the manufacture of sugar. The advisability of providing such a bounty on sugar beets grown in the ensuing two years will be for the Legislature to determine." 13 Ja 03, p.2

## Expositions

*See also Agricultural fairs, 1834*

## 5 Charleston exposition

a La. Heard, 12 My 02, p.44-46. Mo. Dockery, 8 Ja 03, p.9.

## 7 Lewis and Clark Exposition

a Id. Morrison, 5 Ja 03, p.26-27. Mon. Toole, 5 Ja 03, p.8-9. Or. Geer, 10 Ja 03, p.5-7. Or. Chamberlain, 14 Ja 03, p.42. U. Wells, 13 Ja 03, p.36. Wash. McBride, 13 Ja 03, p.12-13.

## 9 Louisiana Purchase Centennial

a Ari. Brodie, 19 Ja 03, p.17. Ark. Davis, 14 Ja 03, p.28-30. Cal. Pardee, 7 Ja 03, p.16. Col. Orman, 10 Ja 03, p.62-64. Col. Peabody, 13 Ja 03, p.103. Ct. Chamberlain, 7 Ja 03, p.19-20. Del. Hunn, 6 Ja 03, p.15-16. Ga. Candler, 22 O 02, p.26-27. Id. Morrison, 5 Ja 03, p.25-26. Ill. Yates, 7 Ja 03, p.13. Ind. Durbin, 8 Ja 03, p.24-25. Kan. Bailey, 13 Ja 03, p.14. La. Heard, 12 My 02, p.46. Me. Hill, 8 Ja 03, p.17. Mass. Bates, 8 Ja 03, p.10-12. Mon. Toole, 5 Ja 03, p.7-8. Neb. Mickey, 6 Ja 03, p.47-48. Neb. Savage, 6 Ja 03, p.15-16. Nev. Sadler, 19 Ja 03, p.9-12. Nev. Sparks, 23 Ja 03, p.6-7. N. M. Otero, 19 Ja 03, p.56-57. N. M. Otero, 18 Mr 03, special message. N. C. Aycock, 7 Ja 03, p.43-45. N. D. White, 8 Ja 03, p.15-16. Okl. Ferguson, 13 Ja 03, p.19. Pa. Stone, 6 Ja 03, p.9. R. I. Garvin, 6 Ja 03, p.15. S. D. Herreid, 6 Ja 03, p.44-47. Tenn. McMillin, 12 Ja 03, p.10-11. Tenn. Frazier, 23 Ja 03, p.24-25. Tex. Sayers, 16 Ja 03, p.24-25. U. Wells, 13 Ja 03, p.34-36. Vt. Stickney, 2 O 02, p.21-22. Wash. McBride, 13 Ja 03, p.11-12. W. Va. White, 14 Ja 03, p.83-85. Wis. La Follette, 15 Ja 03, p.96-97. Wy. Richards, 13 Ja 03, p.23-24.

## 3 Pan-American Exposition

a La. Heard, 12 My 02, p.44-46. Mo. Dockery, 8 Ja 03, p.9. Neb. Savage, 6 Ja 03, p.14-15.

## Resources and attractions. Immigration

Id. Morrison, 5 Ja 03, p.27-28; commissioner of immigration. La. Heard, 12 My 02, p.12; commissioner of agriculture and immigration. Mon. Toole, 5 Ja 03, p.23-24; Bureau of Agriculture and Labor.

Ala. Jelks. "The state, as such, has met with little success in its advertising scheme to attract settlers to its farm lands. In the very nature of the case, we can hardly expect to secure thrifty Germans, Swedes, or other valuable labor to our neglected fields through governmental agencies. The large railroad corporations could be much more effective. . . "

14 Ja 03, p.23

N. H. Bachelder. "The peculiar advantages of New Hampshire as a health and pleasure resort render a consideration of the subject a matter of importance. . . An intelligent presentation of the advantages of New Hampshire as a health and pleasure resort, at the St Louis Exposition, at moderate cost, would be useful in more widely extending the fame of our state in this respect."

7 Ja 03, p.11

- d N. Y. Odell. "In some of the states it has been thought wise to have one of the departments bring to the attention of the public the attractions within the state and to give information concerning them. . . I would suggest that it might be well to empower the Forestry Commission to work along similar lines and to issue such publications as are necessary to properly and adequately perform this work."

7 Ja 03, p.3

1677

## Banking

See also Corporations, 500; Taxation of Banking institutions, 843

1678

## General

Including all provisions relating to banks of deposit or relating to two or more of the following classes

1679

### General and miscellaneous

- a Ind. Durbin, 8 Ja 03, p.6-7. Kan. Bailey, 13 Ja 03, p.9-10. N. E. Bachelder, 7 Ja 03, p.6-7. N. D. White, 8 Ja 03, p.15; additional supervision of state banks recommended. Pa. Stone, 6 Ja 03, p.1. W. Va. White, 14 Ja 03, p.79.
- b Id. Morrison. "Idaho is one of the few states which do not have a state banking law. The commercial and banking interests of the state are so rapidly developing, and bear such vital relationship to our affairs, public and private, that there is urgent need of greater safeguards with respect to the banks. . . "
- 5 Ja 03, p.20-21
- c La. Heard. "Attention is called to the necessity of additional legislation for the better protection of the depositors in these [banking] institutions. The laws relating to banking are based on former conditions and require modifications in several respects. . . . The suggestions of the examiner as to the minimum limit of capital required for organization, the differentiation between bank of discount and deposits, and savings institutions, the responsibility of directors, authority of public officers to compel reinstatement of losses, etc., deserve your careful consideration. . . "
- 12 My 02, p.43-4
- d Mich. Bliss. "The development of the state banking system demands attention. . . It is suggested that the Legislature inquire into the wisdom from the standpoint of public policy of rendering ineligible the president or cashier of a national bank or trust company to perform the duties of president or cashier of a state bank."
- 8 Ja 03, p.2
- e Okl. Ferguson. "Attention is called to the report of the banking commissioner, and specially to the recommendations therein made for the protection of depositors. . . "
- 13 Ja 03, p.1
- f R. I. Garvin. " . . . I find that the banks of Rhode Island including the national banks, with capital and surplus of \$32,714,704.45, hold deposits of \$151,256,736.71, or about 119 million more than their capital. Of this 151 millions of deposits, 19 million are protected by the United States government, the other 132 millions should be as well protected by the state of Rhode Island."

## ADMINISTRATIVE LAW BANKING

16

I also find that the savings banks' deposits show a falling off, while the trust companies' deposits show an increase of \$12,500,000, of which eight and a half millions was in savings or participation departments. This distinctly shows the tendency of such companies to usurp the place of savings banks and absorb the savings and capital of the people. As these large and growing state institutions, having special powers and advantages under their charters, are becoming a very large financial factor, it would seem that the depositors in them ought to be amply protected by the state. The following practical safeguards are suggested as having proved very efficient, if coupled with some proviso as to making loans on real estate: 1 That a state examiner should be appointed, to be paid by the banks a regular fee, and who should make a thorough examination of every bank, trust company and savings bank incorporated by the state at least once in every six months, at 48 hours notice, and at such other times as the governor of the state shall direct, making full reports of same to the governor within two days after each examination. 2 That every state bank or trust company shall keep on hand a reserve of 15% of their deposits and participation accounts. 3 That the amounts placed in trust companies as savings bank or participation accounts shall be subject to the same restriction as to investment and payment of taxes as deposits in savings banks. 4 That every state bank or trust company shall be prohibited from loaning more than 10% of the amount of its capital stock to any one individual, corporation or combination of corporations, provided this does not apply to bills of exchange drawn against actual values, or to loans where United States, state or municipal bonds are actually held as collateral. 5 That all trust companies have the double liability inserted in their charters to make the stockholders liability the same as that of the Manufacturers Trust Co.'s shareholders, who are thus held liable by their charter. Without legislative action, when the next depression in business comes, as come it will, if experience be any guide, then a run may be made on the banks of deposit, suspension of payments will ensue, causing great loss and suffering to a multitude of innocent people. These people it is the manifest duty of the state to protect."

20 F 03, special message

- g U. Wells. "The law of this state now provides that the office of any officer of a corporate bank, who borrows money in violation of the provisions of the banking law, shall thereupon become vacant, but provides no method for putting the provision into effect. The secretary of state, in his report, recommends that the office of the cashier loaning the funds of the bank to an officer in violation of the provisions of law, be also declared vacant, and that the secretary of state be authorized to declare such offices vacant and to convene the directors of the bank in special meeting for the purpose of filling such vacancies. He also recommends that the act defining the duties of the state bank examiner be amended to make it the

duty of the bank examiner to examine all corporate banks and building and loan associations, domestic or foreign, doing business within the state." 13 Ja 03, p.47

- h **Wis. La Follette.** "Since the last legislative session the constitutional amendment has been adopted authorizing the Legislature to enact a general banking law to provide for regulation and supervision of the banking business, provided that two thirds of all the members elected to each house vote in favor of the passage of such law. . . I regard as of special importance the recommendations of the bank examiner respecting the regulation of private banks." 15 Ja 03, p.82-83

1680 **Inspection. Reports. Departments**

- a **N. J. Murphy,** 13 Ja 03, p.12; increase of salary of commissioner of banking and insurance.

1691 **Loans**

- a **Wis. La Follette.** "The bank examiner points out that the principal cause of the embarrassment of banks closed by that department has been the making of excessive loans to single individuals or firms, and emphasizes the fact that existing laws to meet banking conditions are punitive and not remedial in their application to recognized evils. . . " 15 Ja 03, p.82-83

1697 **Trust and safe deposit companies**

1701 **Deposits**

- a **R. I. Garvin.** "Within a few years the participation departments of trust companies have begun to perform the functions which previously devolved almost exclusively on savings banks. I urge on you at this session such action as will guarantee to these depositors in trust companies a degree of security against loss at least equal to that which is given to the patrons of savings banks." 6 Ja 03, p.14

1707 **Savings banks**

1708 **General and miscellaneous**

- a **Me. Hill,** 8 Ja 03, p.5-7.  
b **Wis. La Follette.** "Some complaint has been made that existing laws discourage the establishment of savings banks within the state, and the fact that there is but one such institution in Wisconsin is offered in evidence, though nearly all banks maintain savings departments. . . " 15 Ja 03, p.83

1712 **Deposits**

- a **Ct. Chamberlain,** 7 Ja 03, p.15-16.

1717 **Building and loan associations**

The names of these organizations vary somewhat, but the powers and regulations do not depend on the name. The ordinary phrase is building and loan associations, but they are elsewhere called savings and loan associations, cooperative loan associations, etc. and in Massachusetts cooperative banks.

1718 **General and miscellaneous**

- a **La. Heard,** 12 My 02, p.44; supervision of homestead associations by bank examiner recommended.

730

## Insurance

*See also Corporations, 500*

731

### General — all classes

732

#### General

- a **Ill.** Yates, 7 Ja 03, p.42-43. **Ind.** Durbin, 8 Ja 03, p.22-23. **La.** Heard, 12 My 02, p.8-9. **Me.** Hill, 8 Ja 03, p.14-15. **Minn.** Van Sant, 7 Ja 03, p.13-14. **Mo.** Dockery, 8 Ja 03, p.7-8. **N. H.** Bachelder, 7 Ja 03, p.12-13. **N. D.** White, 8 Ja 03, p.15; more adequate control of mutual companies recommended. **Pa.** Stone, 6 Ja 03, p.4. **S. D.** Herreid, 6 Ja 03, p.27-30. **Tex.** Sayers, 16 Ja 03, p.10. **W. Va.** White, 14 Ja 03, p.8.
- b **Ind.** Durbin. "The law in relation to special charter companies should be amended to require state supervision and examination. It should be a penal offense to solicit insurance for an unauthorized company. The evil of placing irresponsible insurance by correspondence can not be reached by state statute, but congressional legislation bearing on frauds, will, it is hoped, soon deprive these worthless corporations of the use of the mails. . . " 8 Ja 03, p.23
- c **Kan.** Bailey. "The insurance laws of the state should be revised and corrected. While the laws have been added to from time to time, there has been an absence of positive corrections and repealing acts, and we are left in doubt as to the implied repealing force. . . " 13 Ja 03, p.18
- d **Mass.** Bates. "The tendency of the times toward the control, through easily acquired corporate franchises, of vast accumulations of capital for promoting and financing all kinds of enterprises, suggests the expediency of investigating the question of the need of legislation the more fully to protect the policy holders of such legal reserve life insurance companies authorized to transact business in Massachusetts as are conducted on the stock plan. A study of the situation, together with a knowledge of what was recently contemplated by a certain company of this class, makes it evident that, if some mercenary corporation or syndicate should secure a majority of the stock of the life insurance companies which are controlled by a stock vote, such combination would be in a position to manage these great accumulations of assets in a way to conserve the interests of the manipulators rather than the security of the policy holders for whom and from whom they were collected. . . These funds to the credit of stock companies alone now transacting business in this commonwealth amount to upward of six hundred millions of dollars, and the temptation and opportunity to control them by any corporate combination or otherwise should be removed by appropriate legislation." 8 Ja 03, p.38-39
- e **Tex.** Sayers. "One species of corporation has been specially represented as being used for the purposes of defrauding the citizens of the state to a very large extent—the mutual insurance companies. There should be no hesitancy in the repeal of subdivision

50, art. 624 of the Revised Statutes, under which they have been incorporated. . . It is not to be understood from what is said that all mutual, either life or fire, insurance companies have been undertaken with fraudulent intent, but it is safe to say that a large proportion of them have voluntarily ceased business, or have had their charters forfeited by the attorney general's department, and when so done, all who held policies in such companies have suffered a total loss. . . It should be borne in mind that there is a great difference between mutual benefit associations, which have no charter, and those which are incorporated. It is only to the latter kind that reference is made." 16 Ja 03, p.9-10

1733 State departments

- a Id. Morrison. "A law of the sixth session of the state Legislature creates the office of insurance commissioner and provides his duties. This office should be abolished and the duties thereof attached either to that of the state treasurer, or, if a banking law is enacted, to the office thereby created. Experience has demonstrated that the office is a sinecure, requiring little more than moderate clerical attention." 5 Ja 03, p.21
- b N. M. Otero. "I would earnestly renew my recommendation made to the last two Legislatures, for the creation of the office of insurance commissioner, which is more necessary now than heretofore, by reason of the increased business in the auditor's office, arising from the growth of the territory in population, business and wealth. . . " 19 Ja 03, p.52
- c N. C. Aycock. "The Insurance Department was established by the Legislature in 1899, and is one of the most important and valuable departments of the state government. Up to that time the supervision of insurance companies and the collection of taxes from them was in charge of the secretary of state. . . " 7 Ja 03, p.22

1746

Foreign companies

- a Ind. Durbin. "I . . . recommend that the statute be broadened as to the class of securities foreign insurance companies shall possess in order to be admitted to Indiana. . . Perfectly solvent and reputable fire companies have withdrawn during the past two years, because they could not profitably purchase and retain the statutory securities now required." 8 Ja 03, p.23

1753

Life and accident

1756

Child insurance

- a Pa. Stone. "The insurance of children on the industrial and small weekly payment plan is of great benefit to a large number of people, but the law as it now stands is an incentive to crime. I heartily concur in the opinion of the commissioner that a law should be passed limiting the amount of insurance on children to a burial benefit, and fixing an age under which they could not be accepted." 6 Ja 03, p.1

**Mutual insurance****Fraternal beneficiary societies**

1 **Mon. Toole.** "I am advised by the state auditor that there are  
60 or more foreign fraternal associations that issue life insurance  
operating in the state, that do not come under the operation of his  
office, and are not subject to any supervision, and do not contribute  
any portion of the income of the insurance department of his office.  
In my opinion there ought to be some supervision of such com-  
panies. . . "

5 Ja 03, p.32

b **Pa. Stone.** "Fraternal and beneficial societies, if properly  
managed, are productive of much good to a large class of our  
citizens, but the law authorizing their incorporation should be so  
modified as to bring them under the control and supervision of the  
Insurance Department. At present they are incorporated by the  
courts. They make no reports and are answerable to no depart-  
ment of the state government."

6 Ja 03, p.3-4

**Fire and other casualty**

13 *See also Fires, 1092; Forest fires, 1893; Insurance of public property, 791*

**General and miscellaneous**

14 a **Tenn. Frazier,** 23 Ja 03, p.22.

b **S. D. Herreid.** " . . . It is claimed that states having what is  
known as anticompact laws enjoy lower rates. If such a law tends  
to check unbearable avarice, South Dakota should try this remedy.  
The commissioner recommends the enactment of what is known  
as the 'valued policy' law. On investigation he has found that  
20 states have such a law in successful operation, among them the  
great states of Minnesota, Wisconsin and Ohio, and the companies  
doing business in South Dakota are operating in those states at  
rates ranging from 10 to 40% less than our people are compelled to  
pay. . . While I am not prepared to fully indorse a 'valued policy'  
law including all classes of property, I can see no great danger from  
applying it to buildings. It appears to me that it is far less difficult  
to establish the actual value of a building before it is destroyed  
by fire than afterward. . . "

6 Ja 03, p.29

**Lloyd's associations**

68 a **Ill. Yates.** " . . . Provision should be made by legislative enact-  
ment for such supervision by the State Insurance Department, as  
will relieve the responsible Lloyd's associations and the people of  
the state from the injuries caused by irresponsible and disreputable  
companies of this kind."

7 Ja 03, p.42

**Navigation. Waterways**

00 *See also Canals, 1383*

**General**

301 a **Mass. Bates,** 8 Ja 03, p.21-24. **Or. Geer,** 10 Ja 03, p.22-23.



1803

**Harbors**

- a **Cal.** Gage, 5 Ja 03, p.52-53; San Francisco harbor. **Cal.** Pardee, 7 Ja 03, p.14-15; improvements. **La.** Heard, 12 My 02, p.41-42; commissioners of the port of New Orleans.

1805

**Improvement of waterways (general)**

- a **Or.** Geer, 10 Ja 03, p.22-23; improvement of Columbia river. **Or.** Chamberlain, 14 Ja 03, p.35-36; improvement of Columbia river.

1816

**Pilotage. Towage. License of pilots**

- a **Tex.** Sayers, 16 Ja 03, p.24; city of Galveston.  
b **Or.** Chamberlain. "Some months since the report gained currency that a combination was likely to be formed between the Oregon and Washington bar pilots. . . A committee should be appointed, to confer with a like committee from Washington, so that uniform rates may be adopted for the pilots of both states."

14 Ja 03, p.28-29

1819

**Seamen**

- a **Or.** Chamberlain. "During the past 18 months, great complaint has been made about abuses which exist at the ports of Portland and Astoria, occasioned by interference on the part of sailor boarding house keepers, runners or crimps, with seamen of vessels arriving from foreign ports and carrying the flags of foreign powers. The legislative assembly of this state passed an act at its session in 1880 denouncing penalties against persons . . . demanding or receiving from any owner, master or agent of a seagoing vessel any remuneration other than the fee of \$10 per man, for supplying any seaman to be entered on board any such seagoing vessel. . . These penalties are not severe enough to prevent the abuses complained of, but this is not the most serious difficulty. I recommend . . . that the laws of this state be amended . . . in these particulars: first, create a severer penalty by way of both fine and imprisonment; second, invest the municipalities of Portland and Astoria with the broadest authority to enact ordinances on the subject, operative within their corporate limits, not inconsistent with the general purpose and scope of the laws of the state, cutting off the right of appeal in cases arising under such ordinances, thus avoiding delays of which I have spoken."

14 Ja 03, p.23-24

1822

**Agriculture**

*See also* Agricultural schools, 2344; Adulterations, 955, 1466; Communicable diseases of animals, 1143

1824

**Supervision and encouragement (general)**

*See also* Bonus, exemption, bounty, 163a

1825

**General**

- a **Cal.** Pardee, 7 Ja 03, p.5-6; agricultural industries of state. **Col.** Orman, 10 Ja 03, p.16-17. **Ct.** Chamberlain, 7 Ja 03, p.16. **Ill.** Yates, 7 Ja 03, p.46. **Kan.** Bailey, 13 Ja 03, p.1-3. **La.** Heard,

## ADMINISTRATIVE LAW AGRICULTURE

1825-4

12 My 02, p.12-14. N. H. Bachelder, 7 Ja 03, p.8-9. Pa. Stone, 6 Ja 03, p.3. Tenn. McMillin, 12 Ja 03, p.20-21. U. S. Roosevelt, 2 D 02, p.21-22. W. Va. White, 14 Ja 03, p.69-70.

- b Wis. La Follette. "That adjoining states have passed Wisconsin in the quality of some of the products of the dairy can be accounted for on no better grounds than a more thorough inspection in the field. . . Provision should also be made authorizing the dairy and food commissioner to publish a bulletin for distribution among the dealers in food products in which there may be printed, at least quarterly, a list of the condemned foods ascertained on analysis to be adulterated. . . "

15 Ja 03, p.89

## 26 State department

- a Col. Orman, 10 Ja 03, p.57; State Dairy Commission. N. C. Aycock, 7 Ja 03, p.23-24; report of commissioner of agriculture.
- b Okl. Ferguson. "The sixth legislative Assembly enacted a law providing for the organization of a board of agriculture. On the 18th day of December 1902, in accordance with the provisions of the act, delegates from the various county institutes of the territory met at the city of Guthrie and organized a board of agriculture, electing the officers provided for."

13 Ja 03, p.18

1828

## Experiment stations

*See also* Agricultural schools, 2344

- a Okl. Ferguson, 13 Ja 03, p.17-18.
- b U. Wells. "A practical suggestion comes to me from the director of the Agricultural Experiment Station, at Logan, in reference to the establishment and maintenance, by the state, of a number of experimental farms for the purpose of demonstrating the best use to which the present unused or dry lands of the state may be put. . . "

13 Ja 03, p.44

1829

## Farmers institutes. Reading courses. Lectures

- a Mon. Toole, 5 Ja 03, p.25-26; institutes.

1831

## Needy farmers. Loans etc.

- a Ark. Davis, 14 Ja 03, p.21-23; drouth sufferers.

1834

## Associations. Fairs

1840

## State associations and fairs

- a Cal. Gage, 5 Ja 03, p.46-47. Or. Geer, 10 Ja 03, p.21; state fair. S. D. Herreid, 6 Ja 03, p.48-49; state fair. U. Wells, 13 Ja 03, p.32-33; state fair.

1842

## Horticulture. Diseases and pests

- a Kan. Bailey, 13 Ja 03, p.2.

1844

## Supervision and regulation

- a Col. Orman, 10 Ja 03, p.58. Id. Morrison, 5 Ja 03, p.11; State Board of Horticultural Inspection.

1844-56

## N. Y. STATE LIBRARY GOVERNORS MESSAGES 1903

b N. M. Otero. "... The fruit in New Mexico should be preserved in all its perfection, free from insects, and to that end I would recommend to you the enactment of a law ample and sufficient to fully protect that industry, encourage and increase the investment in the same." 19 Ja 03, p.58

c U. Wells. "... The work of county inspection of fruit trees has ... been seriously retarded by a decision of the Supreme Court of the state declaring unconstitutional the law giving power to the board [State Board of Horticulture] to nominate and supervise the county inspectors, and as a consequence no efficient inspection has been done outside Salt Lake county during 1902. I join in the opinion expressed by the board that greater good would accrue to the fruit interests of the state were provision made for competent inspection in each county under the direction of a board composed of trained orchardists; and I unite with it in the hope that the present law may be amended so as to accomplish this end without violating any of the provisions of the Constitution. . . "

13 Ja 03, p.31-32

1846

## Boll weevil

a Tex. Sayers, 16 Ja 03, p.23-24.

1848

## Grasshoppers. Locusts. Crickets

a Cal. Gage. "During the months of June and July and the early part of August large swarms of grasshoppers invaded several counties of this state, doing much damage, particularly in the counties of Placer, El Dorado, Sacramento, Fresno, and Tulare. . . The members of the Board of Horticulture, on the opinion of the attorney general, found that their powers were too restricted to afford adequate relief, and conferred with me on the proposition of burning the infested lands. Considering this great danger and its probable recurrence in the future, it would be advisable that the law be amended so as to increase the powers of the State Board of Horticulture so as to deal effectively with similar conditions hereafter occurring. . . "

5 Ja 03, p.26

1856

## Noxious animals. Bounties

a U. Wells, 13 Ja 03, p.45-46; duplication of bounties.

b Mon. Toole. "I am satisfied that the bounty law is being abused, and that the state, in many cases, is imposed on by fraudulent claims. It is quite probable that we are paying bounty for the destruction of wild animals in neighboring states. . . \$450,000 worth of these claims have been filed with the state board of examiners in the past two years, and over \$360,000 of these claims have been paid during the same period. For 1901 and 1902, North Dakota paid in bounties \$34,888. For the biennial period ending Sep. 30, 1902, Wyoming paid only \$24,099. In Utah, for 1901 and 1902, the state paid \$11,833 for bounties on wild animals, and in addition \$11,500.92, which represents one half of the amount paid

by the various counties for bounties on destruction of jack rabbits, prairie dogs, muskrats, English sparrows and other destructive birds and eggs. In South Dakota the law limits the amount of bounties to be paid in any one year to \$5000. . . In Idaho and Washington the levy for bounties is made by the county commissioners for the several counties, and laid on the live stock interests of the respective counties. . . I . . . recommend that the law be so amended as to reduce the bounties to, or approximately near, those of adjoining states, and that the county commissioners of the several counties be authorized and directed to levy a special tax for the payment of the same in their respective counties, on the stock interests, in proportion to the live stock interests therein, taking as a basis therefor, for the first year, the number killed in such county for the preceding year, as shown by the record of the State Board of Examiners, and that the several boards of county commissioners and the county treasurers be charged with the administration of the law. . . "

5 Ja 03, p.29-31

- c **Wy. Richards.** "The wisdom of the Legislatures of the past, in appropriating money to exterminate predatory wild animals, is demonstrated by the well authenticated fact, which is vouched for by stockmen generally throughout the entire state, that there has been in the past few years, a gradual decrease in the number of wild animals, such as wolves and coyotes, that prey on and devour live stock, specially the young. . . "

13 Ja 03, p.24

15

## Domestic animals

*See also Communicable diseases of animals, 1143*

76

## Running. Impounding. Fences

77

### Running at large

- a **Neb. Savage,** 6 Ja 03, p.10-11.
- b **Okla. Ferguson.** "Some changes are necessary in the herd law now in force in the territory. The rights of homesteaders in western Oklahoma have been violated. Their crops have been destroyed by range cattle. . . "
- c **S. D. Herreid.** "The commissioner of school and public lands recommends the repeal of what is known as the 'free range law,' in force in that part of the state which lies west of the Missouri river. . . "

13 Ja 03, p.20

6 Ja 03, p.47

190

## Forestry

191

### General. Supervision

- a **Cal. Pardee,** 7 Ja 03, p.6-8; preservation of forests. **Ct. Chamberlain,** 7 Ja 03, p.16-17. **Ind. Durbin,** 8 Ja 03, p.11. **Me. Hill,** 8 Ja 03, p.15-16. **U. S. Roosevelt,** 2 D 02, p.18.
- b **Cal. Pardee.** " . . . I call the attention of the Legislature to the instant need of some action to protect our present forests and promote the growth of new ones in the place of those no longer

ours. Let some protection be given; at least let the danger of fire as set forth above, be guarded against by all possible precautions.

7 Ja 03, 1

- c Col. Orman. "The 13th General Assembly enacted a law for the preservation of the forests in the state. This law was a step in the right direction, but the results obtained from its operation were not so satisfactory as hoped for, one reason, however, being that no appropriation was made for the payment of the inspectors to be employed. Two timber inspectors were employed, and worked under the State Board of Land Commissioners. During 1902 43 square miles of forests were destroyed. One reason for so many destructive fires was on account of the dryness of the season. This law should be amended, providing strict penalties for a violation thereof, and also an appropriation should be made providing for the payment of those employed in the work."

10 Ja 03, p.26-

- d Ct. Chamberlain. "... The forests of New England have been cut off too rapidly during the last 30 years. Many of our towns and cities depend on the small streams, whose sources are in the forests for an adequate water supply. A special committee of your body should take up this subject, investigate it carefully, and recommend such appropriation as may be necessary to protect the water supplies of the cities, and the agricultural interests of the state. Many of our rivers have their sources in Massachusetts, Vermont, and New Hampshire. It would be well to instruct the state forester to obtain information from those states and endeavor by concert of action, to protect the sources of our rivers against the serious injury which would certainly follow the destruction of the forests."

7 Ja 03, p.

- e Mich. Bliss. "Interest in forestry in Michigan has materially increased since the creation of the Forestry Commission, and there should be such additional legislation as may be required to advance the work the state has undertaken. . . "

8 Ja 03, p.

- f Minn. Van Sant. "... Minnesota can justly claim great credit among her sister states for what she has done to preserve her forests and encourage development. Bounties have been given for nearly 30 years to encourage tree planting on the prairies and nearly \$600,000 has been thus wisely expended. For eight years a system for the prevention of forest fires has been in operation with most excellent results. During this period, while disastrous forest fires have occurred in other states, Minnesota has wholly escaped. The establishment of a forest reserve of 200,000 acres on the Chippewa reservation is to be commended, and so should any measure which has for its object the creation of other parks and reserves. It would be wise for the Legislature to authorize the Forestry Board to begin gradually to buy up, at a low price, tracts of nonagricultural land and to plant the same with coniferous trees. . . "

7 Ja 03, p.18-

- g N. H. Bachelder. "If New Hampshire is to retain her supremacy as a summer resort state, it is essential that practical means be employed for the preservation and extension of our existing forest area. . . It is claimed that the time has arrived for affirmative action on the part of the state through its Forestry Commission by cooperating with landowners, both to secure needed restrictions in the harvesting of the timber crop now standing and to take steps to reclaim with forest growth many areas which are now naked or unproductive. . . " 7 Ja 03, p.9-10
- h Wis. La Follette. "Wisconsin has some large areas where protection against fires with attention to the planting and growth of trees would add greatly to the wealth of the state within a few years. Much is being done to promote this work by the forestry division of the Agricultural Department of the federal government. A state forestry commission, clothed with powers to take title to real estate in trust for the benefit of the state, had it been in existence a few years ago, could have received as a donation to the state a large tract of land which would now be very valuable as a forestry reservation. . . " 15 Ja 03, p.91

#### Forest fires

- 93 a Or. Geer. "The devastating forest fires which destroyed so many lives and so much property during the past autumn in Oregon suggest the necessity of amending our present law on the subject of starting fires during certain months of the year." 10 Ja 03, p.24

#### Forest preserves

*See also State parks, 798*

- a Pa. Stone, 6 Ja 03, p.7-8.
- b N. Y. Odell. "The purchase of land in the Adirondacks for the preservation of our water supply has not been continued during the past two years. I have been of the opinion that some definite plan should be adopted so that the state, if it desires to take all of the land or such a portion as may be determined on, within the limits of the proposed park, should pursue the work along lines that are designed to fully protect and guard the state's interests. . . I recommend that the subject be referred to a commission to inquire into and ascertain the ultimate cost and the benefits to be derived by the state." 7 Ja 03, p.31
- c U. Wells. "Two years ago I had the honor to direct your attention to the withdrawal by the secretary of the interior of certain lands, ostensibly as a forest reserve, but in reality for the conservation of the water supply and for the protection of the watershed of Salt Lake City. . . Since then, however, several withdrawals, vast in extent, have been made, till the so called forest reserves, permanent and in contemplation, embrace something over 4,000,000 acres of land, and extend in an almost unbroken line from the northern boundary of the state, along the Wasatch range of mountains, to within a few miles of the southern limits of Utah. . . I can not think that it is wise, or that it will prove beneficial in a

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public and general sense, to withdraw from entry and settlement the vast tracts of territory, many of which are barren of timber, and their withdrawal can in no sense conserve the water supply. . . Indeed, the general apprehension is that great hardship and great evil will result unless the reserves shall be reduced in extent to the actual needs, and the control of the reservations shall be such as will actually protect the timber and the water. . . " 13 Ja 03, p.20-21

- d **W. Va. White.** "West Virginia should be very much interested in the movement now being undertaken to influence the national government, and also being agitated for action by the states, for the preservation of forest preserves, and an Appalachian national park. . . " 14 Ja 03, p.98

1895

**School of forestry**

- a **Pa. Stone.** "The recommendation of the commissioner that a school of forestry be located at Montalto, where all the conditions are favorable, is entitled to your serious consideration. . . " 6 Ja 03, p.8

1900

**Game and fish**

1901

**General**

1902

**General**

- a **Ct. Chamberlain,** 7 Ja 03, p.17-18. **Me. Hill,** 8 Ja 03, p.18-19; sea and shore fisheries. **Mich. Bliss,** 8 Ja 03, p.16-17. **Minn. Van Sant,** 7 Ja 03, p.15-16. **Mon. Toole,** 5 Ja 03, p.27. **U. Wells,** 13 Ja 03, p.33-34. **Wis. La Follette,** 15 Ja 03, p.93-94. **Wy. Richards,** 13 Ja 03, p.17.
- b **Col. Peabody.** "I am not unmindful of the fact that the enforcement of the law is more important than the amendment of the law, and, for this reason, strenuously urge the establishment of a state board of game and fish commissioners, which shall be nonpartizan in composition, with authority to establish a civil service system in the department, thus removing this department from political influences, thereby securing more efficient and economical service. I believe that an equitable schedule of licenses, for resident and nonresident hunters and fishermen, guides, taxidermists and importers of game and fish, would yield a sufficient revenue to make this department more than self-sustaining and result in a better enforcement of the law and greater protection to the game and fish." 13 Ja 03, p.102
- c **Kan. Bailey.** "I recommend that the fish and game interests of the state be put under one control, and that laws be made more stringent for the preservation of both game and fish, and that the power of the warden and his deputies be enlarged, so that they can more effectually enforce the law." 13 Ja 03, p.16
- d **Mo. Dockery.** "I . . . earnestly urge the necessity for the enactment of an effective law to protect game and fish. The present statute is ineffective, and the necessity for amendment is obvious." 8 Ja 03, p.10

## ADMINISTRATIVE LAW GAME AND FISH

1902

**N. M. Otero.** "The present game laws of the territory should be amended in many particulars. A fine of \$300, or three months imprisonment, or both, should be imposed on any person or persons killing antelope, elk or mountain sheep in this territory, for a period of 10 years. . . I would also recommend that an open season of two months in each year be allowed for the purpose of killing deer. . . "

19 Ja 03, p.50

**S. D. Herreid.** "During the last two seasons extraordinary efforts have been made to enforce the game laws of our state. . . In addition to the penalties now prescribed, the law should provide for imprisonment in the county jail for not less than 10 days nor more than six months. . . I am unable to indorse laws which require a license from nonresidents. Such laws savor of provincialism, sectionalism, and seem to me contrary to the spirit of our institutions."

6 Ja 03, p.39-40

**U. S. Roosevelt.** "Legislation should be provided for the protection of the game, and the wild creatures generally, on the forest reserves. The senseless slaughter of game, which can by judicious protection be permanently preserved on our national reserves for the people as a whole, should be stopped at once. It is, for instance, a serious count against our national good sense to permit the present practice of butchering off such a stately and beautiful creature as the elk for its antlers or tusks."

2 D 02, p.18

**U. Wells.** " . . . I commend to your favor all the recommendations of the [state fish and game] commissioner, these including the enlargement of the hatchery, the establishment of subhatching stations at Fish and Panguitch lakes, the prohibition of the sale of trout as well as of all kinds of game animals and game birds, and the provision for fish and game exhibits at state fairs as public object lessons."

13 Ja 03, p.34

**W. Va. White.** Report of game and fish warden. " . . . Among the recommendations made are, that the sawmills and other factories along our streams be prohibited from throwing sawdust and other deleterious refuse into the streams, thus polluting the water and killing fish. . . The warden also asks for a law protecting squirrels and rabbits during the breeding season, except that farmers be allowed to kill them at all seasons of the year on their own land. He also recommends an annual hunting license, and that the money received from this source be turned into the fund to assist the state to more effectively protect its game and fish. He also recommends that county courts be authorized to offer bounties for the killing of predatory birds and animals, such as hawks, owls, wild cats and foxes."

14 Ja 03, p.78-79

## 903 State boards. Officers

<sup>a</sup> **Cal. Gage,** 5 Ja 03, p.50-52; State Board of Fish Commissioners. **Col. Orman,** 10 Ja 03, p.56-57. **Ill. Yates,** 7 Ja 03, p.24; Fish Commission. **La. Heard,** 12 My 02, p.14-15; Gulf biologic station.



- b **Id. Morrison.** State game warden. "A knowledge of the conditions as they obtain in the state with reference to the duties of this office suggests its abolition. As a means to effectuate the ends of the fish and game law, the wardenship with its system of deputies is a failure, and fixes on the state a burden for salary and expenses without giving any compensating results. . . Our general statutes provide for officers in each county whose peculiar and special duty it is to see that laws are obeyed and enforced, and one of these officers, the sheriff, has numerous deputies throughout his county, or, at least, is in close relationship with the kindred office of constable in each precinct. These officers afford the natural and proper means of policing every part of the state, and, in connection with the office of county attorney, ought to be specially empowered and directed with the duty of enforcing, within their respective jurisdictions, the provisions of the fish and game laws. . . "

5 Ja 03, p.22

1906

**Hunter's license**

- a **Me. Hill.** "In 25 states of the Union, and throughout the Dominion of Canada, licenses must be secured before nonresidents may hunt certain game, or hunt at all. In some sections of the United States the privilege of hunting is not extended to nonresidents. The commissioners of inland fisheries and game in their annual report, which you will shortly receive, recommend the enactment of a license law to apply to nonresident hunters of large game. . . "

8 Ja 03, p.17

- b **Wis. La Follette.** "I . . . recommend that the law be so changed that the owner may hunt on his own premises without the payment of any license fee. While this may make a considerable reduction in the license fund and increase the labors in a thorough enforcement of the law, it certainly seems a just provision. . . "

15 Ja 03, p.94

1909

**Game***See also Noxious animals, 1856*

1911

**Close season**

- a **Wy. Richards.** "I would urge that a close season on antelope for five years and on moose for 10 years be established."

13 Ja 03, p.17

1943

**Birds**

1953

**Other than game birds. Song and insectivorous. Plume**

- a **N. C. Aycock.** " . . . We have heretofore paid little attention to the preservation of our birds, other than those which have been protected for the sake of game, but the birds other than game birds are of great practical value to man. . . The Audubon Society will ask for the enactment of a law protecting all these birds. The society will undertake the task of enforcing the law without expense to the state. . . "

7 Ja 03, p.45

9

**Fish**a **Tex.** Sayers, 16 Ja 03, p.12.

b **Del.** Hunn. "Legislation previously enacted for the regulation and preservation of fish and oysters, is involved in such inextricable confusion by reason of its multitudinous character, that it is the imperative duty of this Legislature to repeal the present laws, and enact others of a simple and practicable character, applicable alike to all the waters within the boundaries of the state. Or, if this be inadvisable for want of fuller knowledge, I recommend that a commission be created to inquire into the license laws and police regulations now existing, as well as into the actual condition of our fisheries and oyster beds, and to make report to the next Legislature, embodying therein the result of their investigation, and such suggestions as may seem to it to form the basis for proper legislation for the conservation of these most invaluable interests. . . "

6 Ja 03, p.19

c **Mich.** Bliss. " . . . The game and fish warden states that his observation of the habits of the principal food fishes, whitefish and trout, leads him to recommend that the close season should be uniform, from Oct. 30 to Dec. 15 of each year. . . Effective steps should be taken to put a stop to the traffic in immature fish."

8 Ja 03, p.17

d **N. H.** Bachelder. " . . . The legislation reducing the number of fish hatcheries was in the right direction, and the general closing of public waters against fishing through the ice is looked on with favor by true sportsmen and those having the advancement of the fish and game interests of the state at heart. . . "

7 Ja 03, p.9

1961

**Fish culture**

a **Or.** Geer, 10 Ja 03, p.22; salmon hatcheries. **Wy.** Richards, 13 Ja 03, p.22-23; fish hatcheries.

b **Kan.** Bailey. "I . . . believe that a fish hatchery should be established, with the view of propagating such fish as are adapted to the streams of Kansas. . . "

13 Ja 03, p.16

c **Neb.** Savage. "Congress is at this time considering a bill which provides for the location of a national fish hatchery in Nebraska. . . Should the measure pass, it would be an act of wisdom for the state to turn over its hatchery and equipment at South Bend to the general government at a nominal cost. . . The Legislature at its last session, enacted a law creating a system of game wardens. The workings of this law have been eminently satisfactory, and the amount received from prosecutions and fees almost balances the expenses entailed, which makes that department almost self-supporting. . . "

6 Ja 03, p.6-7

1999

**Shellfish. Miscellaneous**2000 **General**

a **N. C.** Aycock, 7 Ja 03, p.27; oyster commissioner's report.

2020

**Mines and mining***For labor in mines see Labor, 2040*2021 **General**

- a **Cal.** Pardee, 7 Ja 03, p.5-6; mining industries of state. **Col.** Orman, 10 Ja 03, p.38-40. **W. Va.** White, 14 Ja 03, p.67-68.

2035

**Petroleum. Gas**

- a **W. Va.** White. " . . . To prevent as far as possible the early depletion of our gas fields, I recommend that a high license tax be put on every pump used to produce or pump natural gas out of this state. The use of natural gas for manufacturing purposes in this state should be encouraged by such legislation as is possible, since the exporting of our natural gas is against the interests of the state."

14 Ja 03, p.74

2037

**Waste of oil and gas. Plugging wells**

- a **Cal.** Gage. "Great injury is likely to result to property from the negligent and careless manner of drilling oil and gas wells, as well as from the negligent and careless plugging and filling of such wells after abandonment. . . "

5 Ja 03, p.7

2040

**Labor***See also Convict labor, 354*

2041

**General. State bureaus and departments**

- a **Col.** Orman, 10 Ja 03, p.59-60. **Ill.** Yates, 7 Ja 03, p.26-27; Bureau of Labor Statistics. **La.** Heard, 12 My 02, p.19-20. **Me.** Hill, 8 Ja 03, p.21; Bureau of Industrial and Labor Statistics. **Mass.** Bates, 8 Ja 03, p.24-25. **Nev.** Sparks, 23 Ja 03, p.7-8. **N. H.** Bachelder, 7 Ja 03, p.16-18. **Or.** Chamberlain, 14 Ja 03, p.30-33. **U. S.** Roosevelt, 2 D 02, p.8-9. **Wis.** La Follette, 15 Ja 03, p.83-85. **W. Va.** White, 14 Ja 03, p.85-89.
- b **Cal.** Gage. "On my induction into office I considered, and still consider, that the office of commissioner of the Bureau of Labor Statistics, established by the statute approved Mar. 3, 1883, was intended to directly benefit the laboring classes of the state by supplying the state government with such proper information as should enable it to ascertain the condition of these classes and to provide legislative remedies for their amelioration. Influenced by this consideration, I departed from the plan of my distinguished predecessors by selecting the appointee directly from the ranks of labor, and I rejoice to state that, from the present excellent management of the bureau, I have had no cause to regret my selection. . . "
- c **Kan.** Bailey. " . . . Certain legislation is recommended concerning labor that I believe worthy of your consideration, specially that referring to the prohibition of child labor under the age of 14."

5 Ja 03, p.56-57

years in factories and workshops, except under certain conditions prescribed by law; also, a just and equitable arbitration and conciliation law, in order to better protect the industrial interests of the state against the disastrous effects of long drawn out strikes, and at the same time guarantee justice and fairness to employer and employee."

13 Ja 03, p.14-15

- d **Minn. Van Sant.** "Our state received one of the five medals which were awarded at the Paris Exposition as first prize for the best labor laws, so that our enactments on this subject have attracted international attention. Among the many laws to which we can point with pride are those relating to child labor; laws regulating the education and employment of children and prohibiting the employment of children in dangerous or immoral occupations; a factory inspection law second to none in the world; laws for the protection of the health, lives and limbs of the working people; laws for the protection of railway employees; the eight hour law, and many others. . ."

7 Ja 03, p.14

- e **Neb. Savage.** "The Bureau of Industrial Statistics is a source of unnecessary expense and should be abolished. The law pertaining to the collection and compilation of industrial statistics should be so amended as to impose this duty jointly on the Department of Banking, and the Department of Public Instruction, and the Board of Agriculture. . ."

6 Ja 03, p.6

- f **Or. Chamberlain.** "As a first step to a thorough understanding of the relative conditions of capital and labor in this state, a bureau of labor ought to be established or a commissioner appointed to inquire into and report to the next session of the Legislature. . ."

14 Ja 03, p.33

- g **R. I. Garvin.** "In response to the demands of the labor organizations, a Bureau of Industrial Statistics was established in 1887. . . The Rhode Island bureau has failed to live up to the measure of its opportunities, and its work has had but little noticeable influence and value. . ."

6 Ja 03, p.13-14

- h **U. S. Roosevelt.** ". . . While Washington is not a great industrial city, there is some industrialism here, and our labor legislation, while it would not be important in itself, might be made a model for the rest of the nation. We should pass, for instance, a wise employer's liability act for the District of Columbia, and we need such an act in our navy yards."

2 D 02, p.22

2044

### General workshop regulations

- a **Ill. Yates,** 7 Ja 03, p.30; inspection of factories. **Tenn. McMillin,** 12 Ja 03, p.20. **W. Va. White,** 14 Ja 03, p.88; appointment of factory inspector.
- b **R. I. Garvin.** "Dissatisfaction has been expressed, in various quarters, because of the imperfect performance of the duties devolved by law on the factory inspectors. . . Factory inspectors

should be appointed, who, whilst dealing fairly with employers, are sufficiently in sympathy with the working people to carry out all the provisions of the law." 6 Ja 03, p.13

- c **W. Va. White.** "The commissioner [of labor] . . . suggests the importance of the state taking some action for the prevention of accidents, specially requiring safety appliances to be attached to all dangerous machinery, shaftings, belting, elevators etc., and providing for better hygienic regulations in factories and other places where labor is employed. He also recommends legislation requiring employers of female labor to provide suitable seats to be used by them when they are not necessarily employed, and that suitable dressing rooms and toilet rooms be provided for the exclusive use of females. . . ." 14 Ja 03, p.87

2062

**Mines****2063 General. State officers and departments**

- a **Col. Orman,** 10 Ja 03, p.39. **Ind. Durbin,** 8 Ja 03, p.10-11. **Mon. Toole,** 5 Ja 03, p.22-23. **Wy. Richards,** 13 Ja 03, p.15-16. **Tenn. McMillin,** 12 Ja 03, p.14-16.

- b **S. D. Herreid.** "In a supplementary report (Dec. 11, 1902), the mine inspector recommends a universal system of bell calls which should be adopted in all the mines of the state; also various regulations which experience has demonstrated to be essential and should be enforced by law. . . ." 6 Ja 03, p.32

- c **Tenn. Frazier.** " . . . The fact that there has been within the last year or two a number of most disastrous explosions in the coal mines of Tennessee, resulting in the sudden death of hundreds of our citizens, admonishes us that the time has come for the enactment of such mining laws as will, if possible, prevent a recurrence of these horrors. . . ." 23 Ja 03, p.21

- d **U. Wells.** "Underground magazines in mines should be prohibited. . . There should be ample provision for competent and thorough inspection by the proper official, not only of coal mines, but of all kinds of underground workings where the health and safety of men are involved. . . ." 13 Ja 03, p.7

- e **W. Va. White.** " . . . I earnestly recommend that the Legislature add two additional [mine] inspectors to the present force. . . ." 14 Ja 03, p.68

**2066 Safety of employees**

- a **Tenn. McMillin.** "The last Legislature passed an act requiring all foremen and assistant foremen in the mines of the state to be examined and passed on by a board of examiners before permitted to act in these capacities. . . I appointed the board. They have been vigilant in their work, and the law will result in much practical good. . . ." 12 Ja 03, p.1

- b **W. Va. White.** Accidents. "The employment of assistant foremen to look after the personal safety of the employees seems to be the only remedy, since many men will not voluntarily timber the roof when it most needs attention. Legislation requiring the

## ADMINISTRATIVE LAW LABOR

2077-1

employment of a timber foreman for each 50 working places should be enacted, to be made operative at such mines as the district inspector directs." 14 Ja 03, p.68

77

## Railways

## 80 Safety of employees

- a U. S. Roosevelt. "Railroad companies in the district ought to be required by law to block their frogs. The safety appliance law, for the better protection of the lives and limbs of railway employees, which was passed in 1893, went into full effect on Aug. 1, 1901. It has resulted in averting thousands of casualties. Experience shows, however, the necessity of additional legislation to perfect this law. A bill to provide for this passed the Senate at the last session. It is to be hoped that some such measure may now be enacted into law." 2 D 02, p.22

2084

## Hours

2085

## General

- a W. Va. White, 14 Ja 03, p.88-89; eight hour day.
- b N. C. Aycock. "... Some of the cotton factories are now working only 10 hours per day, some few work 12, while most of them work for only 11. Not all of the manufacturers are opposed to a 10 hour law, and not all of the laboring men are in favor of it. . . I believe that the hour has come in this state when, without injustice to any one, the law may properly declare that not more than 11 hours shall constitute a day's work in manufacturing establishments. Where night work is performed, the hours should be restricted to 10. . . " 7 Ja 03, p.26-27

2094

## Mines

- a Ari. Brodie. "In all probability at this session of the Legislature the question of an eight hour labor law will come up for consideration and discussion, and I would respectfully suggest that a fair and impartial view of the subject be taken; that consideration be given to the effect of the same on the mining industry of the territory as well as on the labor interests, remembering that such laws are sometimes two edged and may, if improperly framed, or made too far-reaching in effect, do damage instead of good to the interests of those for whose benefit they have been framed and passed. A careful study of the effect of laws of similar import, where found in operation in other states and territories, is cordially recommended should such matter of legislation come before your honorable bodies." 19 Ja 03, p.12

2097

## Railways

## 098 Street railways

- a R. I. Garvin. "I recommend the immediate reenactment of the law of Ap. 4, 1902, limiting the labor of motormen and conductors per day to 10 hours within 12 consecutive hours." 6 Ja 03, p.15

## Employment

### General

and that a free labor bureau be  
Bureau of Labor Statistics, which is  
of the labor commissioner.  
appropriation be allowed for the  
costs and for the payment of contin-

5 Ja 03

Employment Bureau has been in  
this. The law provides that th  
and second class shall open and ma  
work in conjunction with the b  
provided for this work and there  
comply with the law, and, as a r  
free employment agencies, as  
law should be so amended that th  
be maintained permanently, as co  
13 Ja 03

During the year many complaints were  
of legal age have been employed in v  
I investigated many of these reports  
much exaggeration in them, and in  
without foundation in fact. But, de  
in letter and in spirit, I had a num  
city inspector, and urged on him the i  
action in every case of infringe  
and his assistants are responsible t  
power of removal was lodged wit  
enforcement of the law coul  
the present legal age for the employe  
12 years. I recommend that the  
be increased to 14. That is  
the age prescribed by Massachusetts.  
eight other states, 11 in all."

13 Ja 0

laws relative to the employment of chi  
condition that their enforce  
The law which prohibits the employe  
not prohibit their employment by  
other companies, and the resul  
states show an increase over the last c  
who can not read and write."

7 Ja 03

- d **N. C. Aycock.** "... The time appears to be ripe in this state for some legislation in behalf of the children who are working in textile and furniture factories. Most of the states of the Union and many foreign countries have long since passed laws prohibiting the working of children under certain ages in factories of the character named. . . I, therefore, earnestly recommend to your honorable body the passage of a law absolutely prohibiting the employment in such factories of any child under the age of 12 years. This law ought also to provide that no child under the age of 14 shall work in any such factory at night, and after 1905 no child who can not read and write should be permitted to work in any such factory under the age of 14 years. I do not think that any exception should be made in the law passed. I am aware that many people insist that there are dependent widows and invalid fathers who need the labor of children under the suggested age limit, but the community owes something to such widows and invalid fathers, and it ought not to suffer any child under 12 years of age to be required to support its parents. . . "
- 7 Ja 03, p.24-25
- e **Or. Chamberlain.** "... A law ought to be passed regulating the employment of children and minors in factories and workshops. Such legislation would not be seriously opposed at this time, because as yet, be it said to the credit of the state, child employment is measurably limited. But, judging by the experience of other states, as manufacturing establishments increase in numbers and in operatives, and competition becomes active, the employment of children will increase in proportion and become engrafted in our social and industrial system. . . "
- 14 Ja 03, p.32
- f **Pa. Stone.** "... An active enforcement of the law prohibiting child labor has been productive of much good. It would seem, however, that inasmuch as children who are too young to be employed in factories and mercantile establishments secure employment in coal breakers and in stone and slate quarries, some additional legislation should be passed for their protection. I heartily concur in the opinion of the factory inspector that it is inconsistent to prohibit a child of 12 years of age from working in a factory or mercantile establishment and allow him to secure employment in more dangerous and undesirable places."
- 6 Ja 03, p.8
- g **S. C. Heyward.** Employment of children in textile manufactories. "... In my judgment, the General Assembly should pass a law prohibiting their employment, but in doing so time should be given for both manufacturers and operatives to adjust themselves to changed conditions. This can be done by making prohibition to take effect gradually with respect to the ages of the children. . . "
- 21 Ja 03, p.10
- h **Or. Geer.** "As a measure for prevention, rather than for cure, I recommend the enactment of a law prohibiting the employment of children, within certain ages, in factories or similar places of labor.



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I am not aware that this is at present done in Oregon, but it is a species of injustice and indiscretion permitted in many other states, and it will be well to prevent its introduction here before it becomes a custom. . . "

10 Ja 03, p.23

- i W. Va. White. " . . . The commissioner [of labor] indorses the movement to raise the limit of child labor from 12 to 14 years."

14 Ja 03, p.87

2125

**Employers liability. Insurance**

*See also Insurance, 1730*

- a Or. Chamberlain, 14 Ja 03, p.8-11.

- b Mon. Toole. "The various political parties finding representation in this Assembly have, in one form or another, pledged themselves to the passage of a fellow servant law. . . " 5 Ja 03, p.53

2126

**Railroads**

- a Ark. Davis. " . . . I ask that you pass an effective fellow servants bill, one that will grant equal protection, not only to the employer, but to the employee as well. . . It is not necessary for me to indicate to you in this message the details of such a law; it is not necessary for me to tell you that it is unjust that an employee of a railroad company in this state who is killed or injured shall be governed by a different law to a passenger on a railroad train whom they are carrying for hire; and I earnestly request and plead with you to pass such a law as that the brakeman, the engineer, or fireman on a train, who is killed by the negligence or carelessness of a coemployee, may be enforced in the courts of the country just as effectually as an injury happening to any other citizen of your state. . . "

14 Ja 03, p.26

- b Or. Chamberlain. " . . . The strict application of the fellow servant law as it has been adopted by the courts of this and other states, virtually defeats recovery by a railway employee, or his personal representative, against the employer in case of death or injuries received in performance of duty, no matter how deserving or meritorious, for the defense is invariably interposed that the injury or death was due to the negligence of a fellow servant, and nearly always successfully. . . Legislation on this subject was defeated at the last session, but it seems to me that the demands of the thousands of men engaged in railroad employment here are entitled to be heard as they have been heard, and favorably acted on, in other states not more progressive than Oregon. . . "

14 Ja 03, p.1

- c Wis. La Follette. "To your careful consideration I recommend the question of more efficient protection to employees of railroad companies who may be injured in the discharge of their duties through carelessness or negligence of other employees or agents of the company. . . The statute on this subject has been inadequate since the year 1880. § 1816 of the Revised Statutes of 1878, enacted by the Legislature of 1875, treated the subject comprehensively and

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offered substantial remedy for injuries to persons engaged in this service and reasonable provision for their dependents when death resulted from the negligence of a fellow servant. That law read as follows: 'Every railroad corporation shall be liable for all damages sustained by any agent or servant thereof by reason of the negligence of any other agent or servant thereof, without contributory negligence on his part, when sustained within this state, or when such agent or servant is a resident of and his contract of employment was made in this state, and no contract, rule or regulation between any such corporation and any agent or servant shall impair or diminish such liability.' This law was repealed in 1880. . . In . . . [1889] a slight modification of the common law was enacted. . . In 1893 the Legislature passed the present law, which is § 1816 of the Wisconsin statutes of 1898. It was a makeshift provision. . . I recommend that it be repealed and that § 1816 of the statutes of 1878 be reenacted." 15 Ja 03, p.86-88

4

**Labor disputes**

- a **Or.** Chamberlain, 14 Ja 03, p.30-33. **Pa.** Pennypacker, 20 Ja 03, p.4-5.

36

**Conciliation and arbitration**

- a **Cal.** Gage. "It is true that arbitration can not be made compulsory, but measures may be framed whereby the parties to a controversy may be induced to submit their differences to an impartial council or board, which, when so stipulated, may be made binding. I am aware that a statute is now in effect entitled 'an act to provide for a state board of arbitration for the settlement of differences between employers and employees, to define the duties of said board, and to appropriate the sum of \$2500 therefor,' approved Mar. 10, 1891, but this statute has proved to be inadequate for the purposes intended, and excepting the expenditure of a portion of the small appropriation by the first and only appointees under the statute, it has been for years an unused law. In the event of the enactment of a new measure, I recommend that the governor and labor commissioner be made members of such council of arbitration." 5 Ja 03, p.58
- b **Col.** Orman. "The work of this board [of arbitration] during the past biennial period, while zealously carried on, has not been so satisfactory as is contemplated by the provisions of the law creating the board, but the fault has not been with the board itself, but is rather a defect in the law. In the report of the board will be found an opinion written by the attorney general, relative to the jurisdiction and power of the board to issue subpoenas and administer oaths, in which it is held that they have no power to compel the attendance of witnesses before it in an investigation for the purpose of giving testimony concerning difficulties arising between employer and employees, thus destroying in large measure the effectiveness of the work to be performed by the board. . . " 10 Ja 03, p.53

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- c **Col. Peabody.** "The 11th General Assembly created a state board of arbitration, provided the manner in which its members should be appointed, the duties of the board, its powers, and the compensation of its members. The annual reports of this board, submitted to the governor, as required by the law, show that during the six years of its existence it has investigated nine strikes, in six of which settlements have been arrived at, presumably due to the good offices of the board. The Board of Arbitration, in its last annual report to my predecessor, concedes its inefficiency to accomplish results of a definite nature, attributing its weakness in this respect to defects in the existing law, and suggests certain amendments to the law, which, it is claimed, will invest the board with the authority desired and necessary to make it efficient. A careful examination of the proposed amendments to the law, and the opinion of the attorney general of the state, quoted in full in the report, leads me to the conclusion that, under our Constitution, no legislation can be enacted which will materially change the present status and authority of this board. Conceding the force of every argument which can be advanced in favor of the arbitration of differences which may arise between employer and employee, and which has my hearty support and approval, yet it seems to me that the expense to the state on account of this board is out of all proportion to the results accomplished, and for that reason I would advise that the act creating this board be repealed, and its duties and powers, by appropriate legislation, be conferred on the labor commissioner." 13 Ja 03, p.98-99
- d **Ill. Yates.** "The State Board of Arbitration has rapidly grown in importance till it now ranks among the most potent factors in the industrial world. . . ." 7 Ja 03, p.31
- e **Ind. Durbin.** "The State Labor Commission, operating under the wise and beneficent law created by the 61st General Assembly, has accomplished great good. . . During the past two years this commission has made satisfactory adjustment of 42 labor controversies, involving 202 firms and 10,000 employees, not including nearly a score of boycotts lifted during that period. . . The Indiana plan, which provides that men disposed to strike shall continue at work, pending arbitration through the medium of accredited representatives, is most highly commendable because it insures to the families of workingmen maintenance that would be denied them under a condition of general suspension of labor during the period of efforts at settlement, as recently witnessed in Pennsylvania." 8 Ja 03, p.9-10
- f **Mo. Dockery.** " . . . I feel constrained to specially commend to your favorable notice the achievements of the State Board of Mediation and Arbitration. Since its establishment this board has over and over again successfully adjusted differences between employers and employees. . . However, the law creating this board requires amendment to make it still more effective. . . ." 8 Ja 03, p.8-9

**N. Y. Odell.** " . . . Arbitration between conflicting interests has been resorted to whenever possible by the labor department of our state, and so successful have been these efforts that we have had but little disturbance during the past year between these great interests. I believe that wherever the necessities of life are involved in dispute between employer and employee, that power should be conferred on those affected to apply to the courts for relief, and that no power should be possessed by either capital or labor to deprive the people of that which is necessary for their welfare, but that ample authority should be lodged in the judiciary to properly enforce its mandates, and that such disputes whenever they arise, should not be permitted to interfere with those rights which are paramount and necessary for the well-being of the people. . . The strike on the Hudson Valley Electric Railroad, necessitating the ordering into service of the National Guard, developed a condition, through the expulsion of a member of the guard from a labor union, which is prejudicial to the best interests of the state."

7 Ja 03, p.29-30

**Or. Chamberlain.** " . . . Taking counsel from passing events, would it not be well here and now, in anticipation of what may yet be veiled in the womb of the future, to enact a law looking to the arbitration of disputes between capital and labor in cases where either agreements can not be reached or one or other of the parties to the controversy will not confer. . . "

14 Ja 03, p.32

**Pa. Stone.** " . . . In my judgment a compulsory arbitration law could and should be passed for the settlement of difficulties between employer and employee. Such a law is entirely constitutional and feasible from a police standpoint, looking on strikes as injurious to the public, harmful to society and destructive to life and property. . . "

6 Ja 03, p.7

**W. Va. White.** " . . . The commissioner [of labor] calls attention to the great losses sustained by the parties to strikes and lock-outs, and urges that measures providing for arbitration and conciliation in all labor disputes should be adopted. . . While there may be objections to a permanent commission or obligatory arbitration, there can be no reasonable objection to a board of investigators empowered to secure facts, or to arbitration by such a board where both the principal parties to the difficulty invoke these services. . . "

14 Ja 03, p.87

**Wy. Richards.** "The sixth state Legislature authorized the appointment of a committee of three for the purpose of investigating the question of the compulsory arbitration of disputes arising between capital and labor, with the further end in view of recommending to your honorable body some plan for suitable legislation bearing on this important subject. . . It is with exceeding regret that I am compelled to report that, owing to the departure of Mr Griffen, one of the members of this commission, from this state, nothing has been accomplished during the past two years. . . Our position

in the sisterhood of states is exceedingly favorable for the adoption of some plan for the arbitration of the differences between capital and labor, as, because of our youth, the relations between capital and labor, are in a general way, healthy and amicable, and the feelings of each for the other have never been strained to the perilous intensity so common in older states. . . I would therefore recommend that a special committee be appointed early in the session, for the consideration of this important matter, and, if possible, that they may introduce a definite and comprehensive measure for the consideration of the Legislature." 13 Ja 03, p.25

2139

**Strikes**

- a Col. Orman 10 Ja 03, p.37-38. N. J. Murphy, 13 Ja 03, p.11-12; labor troubles in Patterson. Pa. Stone, 6 Ja 03, p.5-7; anthracite coal strike.
- b W. Va. White. "The commissioner [of labor] recommends legislation prohibiting the importation of men from other states to take men's places during times of disturbance, providing the same can be done without infringement on the Constitution as to interstate commerce regulations." 14 Ja 03, p.88

2140

**Charities**

*See also* State institutions, 60; Corrections, 335; Fraternal beneficiary societies, 1761

2141

**General**

- a N. C. Aycock, 7 Ja 03, p.35-36.

2142

**State boards and officers**

- a Ill. Yates, 7 Ja 03, p.32. Ind. Durbin, 8 Ja 03, p.11.

2143

**State institutions (general)**

- a Tex. Sayers, 16 Ja 03, p.17.
- b Del. Hunn. "The law now provides, 'That not more than 14 imbecile children from this state shall be provided for in the institution at the same time, and that not more than \$2800 shall be paid by the state in any one year' . . . As to the deaf, dumb and blind the number provided for is limited by the legislative appropriation, which, up to this time, has been inadequate to meet the demands of all applications. It is unnecessary to argue at length on the injustice of granting the aid of the state to 14 imbecile children to the exclusion of others who have an equal claim to such aid and to an equal opportunity for mental improvement. The same observation can be made as to the deaf, dumb and blind. . . Owing to our limited population it would be inadvisable to erect institutions and supply them with skilled instructors, (an evidently greater expense to the state than the practice now adopted) but the Legislature should make appropriations sufficiently large to provide for all of these unfortunates, and not for those only who make prior applications. . . "

6 Ja 03, p.10

c **N. Y. Odell.** "The only change that has been made in regard to the charitable institutions . . . was in the direction of conferring authority on some one whose sole duty it would be to supervise their financial administration and who should have power to suggest and perfect some system similar to that which has so greatly reduced expenditures in the Department of Lunacy, and to take advantage of existing conditions for the employment of the inmates. There is no reason why the farms connected with some of these institutions should not aid in supplying food and other necessary articles which are required for use in other state asylums. . . ." 7 Ja 03, p.20

d **Tex. Sayers.** " . . . During the past four years several of the superintendents have, at their own expense, visited similar institutions in the United States with much advantage to the service. An appropriation of \$3000 for this purpose, to be under the control of the governor, would unquestionably be of great practical value; accordingly, it is recommended. The expectation may now be reasonably entertained that henceforth the management of these institutions will not be subjected to change with every administration, and that removals will not be made or reappointments refused, except only for the improvement of the institutions themselves. Such policy, however, should be accompanied by the requirement that their officials and employees, in whatever capacity, shall abstain, under penalty of dismissal, from participation in the contests that occur for official and political preferment. Unless this rule be adopted and its observance inflexibly enforced, the administration of these great charities can never reach the high degree of excellence that is so greatly to be desired. It may be well to add that the tenure of the membership of the boards, not only for these, but for the educational institutions also, should be lengthened to six years, and so arranged that one third of it may expire biennially. The benefit that would certainly follow from such a change is so obvious as not to require explanation."

16 Ja 03, p.18

2148

## Poor relief

*See also Pensions and relief, 2406*

2155

## Poorhouses

### 2156 State poorhouses and officers

a **Wy. Richards.** "It has never been found necessary to organize the State Poor Farm for the benefit of paupers; and the property purchased by the state for that purpose has, under the direction of poor farm commissioners, been rented, and from this source a sum of \$1800.63 has accumulated, which is now in the hands of the treasurer of the commission." 13 Ja 03, p.23

### 2157 Local institutions

a **W. Va. White.** "I also wish . . . to comment on the necessity for some additional legislation in regard to our county infirmaries,

or poorhouses. In some of our counties these institutions are a disgrace to civilization. . . Infirmaries are not intended to be prison pens, and the old system of selling out the keeping of the poor to the lowest bidder is basely inhuman." 14 Ja 03, p.67

2160

**Sick and disabled***See also* Communicable diseases, 1018

2165

**Hospitals**

2166 State hospitals

- a La. Heard, 12 My 02, p.35-36; charity hospitals at New Orleans, and Shreveport. Wy. Richards, 13 Ja 03, p.9.
- b W. Va. White. Asylum for incurables. " . . . The name of the institution is clearly a misnomer, and both the superintendent and the directors call attention to this fact, and urge that a new name be adopted for the institution. . . Such names as 'home for incurables,' 'cancerous hospital,' 'consumptive hospital,' etc., have a very depressing effect on the patients." 14 Ja 03, p.60

2172

**Children***See also* Juvenile offenders, 371; Family, 474

- a U. Wells, 13 Ja 03, p.47-48; curfew law recommended.
- b N. M. Otero. "There should be some legislation with special reference to the youth of the territory of both sexes, prohibiting them when under 15 years of age, being on the streets or plazas after 9 o'clock p. m., unless accompanied by their parents or guardians, and prohibiting their loitering about the streets or plazas in the day time, and protecting them in the homes of vicious or immoral parents, and when arrested for any crime or violation of this law, that they should be kept separate and apart from habitual or hardened criminals. . . " 19 Ja 03, p.52
- d W. Va. White. " . . . My attention has been drawn to the need of legislation in regard to the proper disposition to be made of children found in houses of prostitution and in our county infirmaries. There is a necessity for some legislation to compel children born out of wedlock to be taken away from such environments, as well as to prevent our county infirmaries being used as lying-in institutions. I am informed that one county in this state has a grandmother, her daughter and three grandchildren, all illegitimate. . . As the case is now, if the mother does not want the children to be separated from her, all she has to do is to enter a protest and the court is powerless. Something should be done to make it possible to remove the children from these environments and to get homes for them." 14 Ja 03, p.66

2177

**State homes and schools**

- a Col. Orman, 10 Ja 03, p.48-50. Nev. Sadler, 19 Ja 03, p.13. N. M. Otero, 19 Ja 03, p.53; establishment of state children's home recommended. N. C. Aycock, 7 Ja 03, p.16-17.

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21

- b Mich. Bliss.** "Under present laws the benefits of the State Public School at Coldwater are limited to children sound in mind and body, between the ages of 2 and 12 years, except that under certain conditions those under 2 years can be admitted. . . There are yet a limited number of bright children in the poorhouses of the state who are growing up as paupers, and perhaps as criminals, who because of some physical defect, a twisted limb or the loss of an arm or a leg, are debarred by law from the benefits extended to those better equipped for life. . . I recommend legislation amending the act creating the school so that its care will extend to crippled dependent children who are otherwise sound, increasing the age of eligibility to 14 years, and appropriating for the institution with a view to its enlarged needs." 8 Ja 03, p.15
- c W. Va. White.** " . . . The officers of the society [W. Va. Humane Society] think it would be a measure of true economy to establish a state asylum for homeless and destitute children, where they could be sent pending the careful and deliberate selection of permanent homes for them. . . " 14 Ja 03, p.65

## 2180 Orphan homes. Private institutions

- a Or. Chamberlain,** 14 Ja 03, p.36; Boys and Girls Aid Society.

## 2184 Deaf and dumb

- a Okl. Ferguson.** "The contract between the territory and the superintendent of the Institute for the Deaf and Dumb having expired on the first day of October 1902, a new contract was entered into which will expire Oct. 1, 1904. For each person either deaf or dumb, or deaf and dumb, committed to the care of the superintendent of the Institute for the Deaf and Dumb, the territory is obligated to pay at the rate of \$275 per annum, for education and maintenance in a suitable, proficient manner. . . " 13 Ja 03, p.17

## 2186 State institutions

- a Ala. Jelks,** 14 Ja 03, p.12. **Ark. Davis,** 14 Ja 03, p.23-24. **Cal. Gage,** 5 Ja 03, p.49. **Col. Orman,** 10 Ja 03, p.46-48. **La. Heard,** 12 My 02, p.31. **Me. Hill,** 8 Ja 03, p.24. **N. C. Aycock,** 7 Ja 03, p. 17-18. **Tex. Sayers,** 16 Ja 03, p.18-19. **U. Wells,** 13 Ja 03, p.26-27. **Vt. Stickney,** 2 O 02, p.10-11. **W. Va. White,** 14 Ja 03, p.44-45. **Wy. Richards,** 13 Ja 03, p.8.

## 2188 Blind

## 2191 State institutions

- a Ala. Jelks,** 14 Ja 03, p.12. **Ark. Davis,** 14 Ja 03, p.23. **Cal. Gage,** 5 Ja 03, p.49-50. **Col. Orman,** 10 Ja 03, p.46-48. **Ill. Yates,** 7 Ja 03, p.33. **La. Heard,** 12 My 02, p.32. **N. C. Aycock,** 7 Ja 03, p.17. **Tex. Sayers,** 16 Ja 03, p.18-19. **U. Wells,** 13 Ja 03, p.26-27. **Vt. Stickney,** 2 O 02, p.10-11. **W. Va. White,** 14 Ja 03, p.44-46, 61-65. **Wy. Richards,** 13 Ja 03, p.8.



- b Wis. La Follette. "The urgent need of better provision by the state for the care of dependent blind adults has been brought most forcibly to the executive recently by vain efforts to find some authority of law whereby a worthy citizen and industrious mechanic, deprived of sight by accident, could be afforded other means of existence than those to be found through private charity or in a county poorhouse. . . The State School for the Blind, at Janesville, is a school for children. . . This case and that of many others suggests the wisdom of establishing workshops entirely separate from the School for the Blind, to be located in the metropolis of the state, where blind adults may be educated to work, and may secure employment at all times. Such an institution has been successfully maintained in Massachusetts for very many years. Private charity has given assistance; but I believe the reports will show that through the opportunities thus afforded, blind adults in that state have always been able to find employment, a comfortable home and necessary educational facilities, almost without expense to the state. . . "

15 Ja 03, p.80

2192

## Insane

*See also* State institutions, 60

2193

### General

- a N. Y. Odell. "Important changes were made at the last session of the Legislature in the law relative to the institutions for the insane, which were, first, the substitution of boards of visitors for the old boards of managers; second, the centralization of all powers in the Commission of Lunacy, the details of management as heretofore being left with the superintendent. . . The wisdom of these changes has been shown by the results produced. A more liberal allowance in measuring accommodations has been adopted than heretofore; an extension of the system of joint purchases has been followed with resultant economy. . . The monthly reports of the boards of visitation which the law provides for have brought to the attention of the Commission in Lunacy and the governor at once the necessity for repairs or for the correction of conditions which need immediate remedy. . . The new law has also had the effect of separating the medical from the business administration of the institutions. . . But above all, the entire responsibility for the administration of these institutions has been absolutely fixed in the State Commission in Lunacy. . . "
- 7 Ja 03, p.16-17
- c N. C. Aycock. "The insane may be, for economic consideration, divided into these classes: first, the recent and supposed curable; second, the chronic and dangerous; third, epileptic; fourth, the chronic and apparently harmless; fifth, the chronic and helpless. As a matter of economy the recent and supposed curable should at once have treatment by skilled specialists and the best care possible given to restore them to usefulness and productiveness. . . The second class must be cared for

for the protection of society. The third class has consistently been refused admission into the state hospitals for a number of years past, though all insane epileptics may be dangerous, and from their progeny come many who eventually become wards of the state. The separate provision for these, as is done in many states, may properly be considered. The care of the fourth class is the problem which is prominently before the state. . . In leaving to the counties or families as we are now doing to a considerable extent the support and restraint of these unfortunates, we draw on the wealth of the state for their support as certainly as if the state directly cared for them. . . Common humanity demands that the chronic and helpless should have the best of our care, but it is this class who may best be cared for by the counties if any are to be sent there. The state has assumed the care of the first and second classes, but not fully. . . " 7 Ja 03, p.31-32

- d U. Wells. "The name 'insane asylum' should be changed to 'mental hospital'; the commitment form should be revised and the examining physicians required to follow a regular order of classification and to properly fill the blank; the term insane should not be allowed to include idiocy, imbecility, or simple feebleness of mind, and epileptics without mania should not be sent, nor retained; the physically helpless and patients in a dying condition should not be committed; a board of alienists should be created and a detention or receiving station should be established for the reception of emergency or doubtful cases pending examination, investigation and testing. . . " 13 Ja 03, p.28

94 **State boards and officers**

- a Cal. Pardee. "The State Commission in Lunacy, which was established a few years ago, and which shares the powers formerly exercised alone by independent local boards of trustees, has accomplished considerable in the direction of unifying the system, stimulating improvement, and equalizing conditions. Further benefits from the new arrangement may be expected in time." 7 Ja 03, p.13

96 **Asylums**

97 **Removal from poorhouse and jails**

- a Ill. Yates. " . . . The latest census of the county almshouses shows that there are 2986 insane persons confined in them. These county almshouses are not, as a rule, prepared to give insane people the attention they require. In many counties no special provision is made for their separation from sane inmates, and in a large majority of the counties no special attendants are employed to look after them. The question of adequately providing for the incurable or chronic insane should receive your most careful consideration. . . " 7 Ja 03, p.33

98 **State asylums**

- a Ari. Brodie, 19 Ja 03, p.20. Ark. Davis, 14 Ja 03, p.19-21; enlargement of state asylum. Cal. Gage, 5 Ja 03, p.47-48. Cal. Pardee, 7

Ja 03, p.12-13. **Del.** Hunn, 6 Ja 03, p.11-12. **Ga.** Candler, 22 O 02, p.6-7. **Id.** Morrison, 5 Ja 03, p.10. **Ill.** Yates, 7 Ja 03, p.33; asylum for incurable insane. **La.** Heard, 12 My 02, p.34-35. **Me.** Hill, 8 Ja 03, p.22-23. **Minn.** Van Sant, 7 Ja 03, p.6-7. **Neb.** Mickey, 6 Ja 03, p.49-50. **Neb.** Savage, 6 Ja 03, p.11-12. **N. C.** Aycock, 7 Ja 03, p.31-33. **N. D.** White, 8 Ja 03, p.9; new buildings. **Okl.** Ferguson, 13 Ja 03, p.20-21. **Tenn.** Frazier, 23 Ja 03, p.17-18. **Tex.** Sayers, 16 Ja 03, p.18. **Vt.** Stickney, 2 O 02, p.15. **W. Va.** White, 14 Ja 03, p.55-56, 57-61. **Wy.** Richards, 13 Ja 03, p.9-10.

- b **Cal.** Pardec. "It is probable . . . that it will soon be necessary to make some provision for the separate care of two classes, the criminal insane and those insane and criminals who are afflicted with tuberculosis and other infectious and contagious chronic diseases, and who, therefore, ought not to be allowed to endanger the health of those who are free from such diseases." 7 Ja 03, p.13
- c **Col.** Orman. " . . . Probably the greatest present necessity is more buildings to accommodate the insane persons now scattered over the state, there being 300 over and above the number now cared for in the asylums, which should receive the care of the state. These are now kept in jails, almshouses and county hospitals, where they do not receive the proper treatment, and, when at last they are admitted into the asylum, their cases have become incurable. In my opinion, the best way of relieving the overcrowded condition of the asylum would be the construction of an entirely new plant, to be located on a farm of some size, removed from the noise of a city or of railroads, so that the occupants could have that peace and quiet so essential for patients of this character, and where they could have plenty of freedom for outdoor exercise. This institution should be known as the State Hospital, at which curable insane patients could be cared for, utilizing the present institution for the incurable insane. . . " 10 Ja 03, p.29-30
- d **La.** Heard. "Notwithstanding the progress made on all lines, the demand for more room increases. Some insane females, in consequence, are now confined in parish jails awaiting accommodations at the asylum. . . It is the imperative duty of the state to make adequate provision for the care of these unfortunates, and, as the most efficacious way of doing this, I recommend the establishment of a new asylum in some other locality, for the use, exclusively, of colored insane. By this means, the buildings that would be vacated by the colored patients at the present asylum could be used for white patients. . . " 12 My 02, p.34-35
- e **Mass.** Bates. "The most urgent need of the state institutions for the insane is relief from overcrowding. . . Provision must be made . . . for an annual increase from year to year of about 500 patients; and something must be done to relieve the present overcrowded condition, which compels the use of about 1800 beds in halls and corridors not designed for that purpose. In addition, on the first of January 1904, the state care act becomes operative, and

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under it about 900 insane patients now outside of hospitals and asylums must be removed to state institutions, unless some suitable provision can be made for their care elsewhere. . . " 8 Ja 03, p.18

- f N. C. Aycock. "At present the dangerous insane are under the management of the penitentiary. Insane people, whether dangerous or otherwise, ought not to be kept in the penitentiary, but separate provision ought to be made for them. . . " 7 Ja 03, p.30

19 **Institutional boards, officers and employees**

- a Cal. Pardee. " . . . Appointments and removals for political reasons should not under any circumstances be made in the state hospitals." 7 Ja 03, p.13

12 **Private asylums**

- a Okl. Ferguson. "On the 31st day of May 1901, a contract was entered into between the governor of Oklahoma and the Oklahoma Sanitarium Company, which obligated the territory to pay the sum of \$200 per annum for the care of each patient. . . " 13 Ja 03, p.15

13 **Support. Right of admission**

- a Minn. Van Sant. "The number of wards of the state will increase with our growth and we must provide for their care and maintenance. It is a problem difficult of solution, and in this connection I desire to quote from my message of two years ago: 'I particularly call your attention to the proposed law which the board urges your honorable body to enact requiring each county from which patients are committed to pay \$1.50 per week for each patient, for the purpose of partially defraying the expenses of his care and maintenance. While this would not to any great extent decrease the cost, it might have a tendency to the exercise of greater caution in making commitments. Other states have similar laws; and I am informed that good results follow. Many times mildly insane patients, who could and should be cared for at home by friends and relatives, are sent to our hospitals. Under the policy of paying the whole of the expense for the care of the insane, regardless of their financial condition, great abuses have arisen, for often weak-minded persons or those who are old and feeble, being somewhat demented, are permitted to become inmates of these institutions, whereas they should have been cared for by those who are in duty bound to support them, and not have been sent to our hospitals' . . . " 7 Ja 03, p.6
- b Or. Chamberlain. "Some provision ought to be made for compelling the near relatives of insane persons confined in the asylum to contribute toward their support in cases where they are so situated financially as to be able to do so. . . " 14 Ja 03, p.34

2205 **Inquest. Commitment. Discharge**

2206 **Transportation. Transfer**

- a Or. Chamberlain. "The transportation of the insane and idiotic to the asylum ought to be intrusted to the superintendent of the

Oregon State Insane Asylum and his assistants, not only on the score of economy to the state, but for reasons of humanity as well. . . "

14 Ja 03, p.20

2210

## Epileptics

### 2212 Temporary investigating commissions

- a Ind. Durbin. "Provision has been made for some of the classes of unfortunates in our state, but there is yet a class that should receive your earnest consideration—the epileptics. . . The recommendation I make to you is, that the matter shall be referred to a commission to be created, which shall investigate all matters pertinent to the subject and provide a plan and make such recommendations to the next General Assembly as, in its judgment, is the proper solution to the problem. . . "

8 Ja 03, p.34

### 2213 State asylums and colonies

- a Ill. Yates, 7 Ja 03, p.34; question of state care considered.
- b Kan. Bailey. " . . . The last Legislature having reappropriated the lapsed appropriation of 1899 for the establishment of a hospital at Parsons, the board has proceeded to the work of erecting an institution in compliance with the law. After careful investigation of the subject, they have decided to make the Parsons institution one wholly for the treatment of epileptics. . . "
- c Mich. Bliss. "I recommend and urge the enactment of suitable legislation creating an institution for the care of the epileptic. The time has arrived when provision should be made for the separation of these unfortunates from the other defectives in the state institutions now maintained for the care of epileptic, the feeble-minded and the insane. . . In my judgment the state should make provision for the care of epileptics apart from the insane because of the injurious effect on both the insane and the epileptic by the contact of each class with the other. For the same reason better results can be obtained if the home at Lapeer be used for the care of the feeble-minded only. A large tract of land should be secured for the proposed institution for the care of the epileptic and the colony system adopted, the results of which in states that have tried it having been found to be very satisfactory. . . "
- d Tex. Sayers. The epileptic colony. "This institution, authorized by the act of Feb. 9, 1899, and, on the favorable report of a commission, located at Abilene, will be ready for occupancy within the next six months. . . "

13 Ja 03, p.7

8 Ja 03, p.4-5

16 Ja 03, p.19

2215

## Feeble-minded

- a Vt. Stickney, 2 O 02, p.10-11.

### 2218 State institutions

- a U. Wells. "The question of a school for the feeble-minded, as recommended by the superintendent [of public instruction], which is unmistakably a step in the interest of humanity and one which older and richer states have deemed necessary to provide for, never

theless opens the door to a new and perhaps a large expenditure, which it is your duty to keep closed as tightly as possible. . . I suggest that, instead of attempting to establish a new state school, the trustees of the school for the deaf and dumb and the blind should be authorized to include the feeble-minded in their school. . . "

13 Ja 03, p.14

## Education. Science. Culture

*See also Deaf and dumb, 2184; Blind, 2188*

### 2 Elementary and secondary education

#### 3 General system. Codes

- a **Cal.** Pardee, 7 Ja 03, p.9-11. **Ct.** Chamberlain, 7 Ja 03, p.13. **Del.** Hunn, 6 Ja 03, p.8-9. **Ill.** Yates, 7 Ja 03, p.36-37. **Kan.** Bailey, 13 Ja 03, p.4-5. **La.** Heard, 12 My 02, p.9-12. **Me.** Hill, 8 Ja 03, p.7-9. **Minn.** Van Sant, 7 Ja 03, p.16-17. **Neb.** Mickey, 6 Ja 03, p.46. **Nev.** Sadler, 19 Ja 03, p.12-13. **N. H.** Bachelder, 7 Ja 03, p.13. **N. M.** Otero, 19 Ja 03, p.10-15. **Or.** Chamberlain, 14 Ja 03, p.25-28. **Pa.** Stone, 6 Ja 03, p.4. **S. D.** Herreid, 6 Ja 03, p.14-16. **Tenn.** McMillin, 12 Ja 03, p.1-5. **Tenn.** Frazier, 23 Ja 03, p.5-12. **Tex.** Sayers, 16 Ja 03, p.15-17. **Tex.** Lanham, 21 Ja 03, p.125-26. **U.** Wells, 13 Ja 03, p.12-15. **W. Va.** White, 14 Ja 03, p.35-44. **Wis.** La Follette, 15 Ja 03, p.71-74. **Wy.** Richards, 13 Ja 03, p.5.
- b **N. M.** Otero. "The alleged illiteracy of our people has steadily decreased since the establishment of our public schools. By the census of 1880 the percentage of those who could not read or write was 65%. The census of 1890 reduced this to 44½%, while the census of 1900 shows it to be only 33½%. The superintendent of public instruction takes issue with the figures as given by the census of 1900 and avers that at this time scarce 15% of our inhabitants are illiterate; that 94% are American born and that 4% of them speak the English language." 19 Ja 03, p.11-13
- c **N. M.** Otero. "The superintendent of public instruction points out in his report many conflicts and inconsistencies in the present school laws which may be remedied by simple amendment of existing statutes. These relate to the gathering of school statistics, fixing the scholastic year, enlarging the powers of county superintendents, the time and method of electing district directors, the collection of the poll tax, method of enforcing longer school terms in the rural districts, etc., all of which I cordially commend to your prudent consideration. . . Under the law our textbook contract expires in June 1903. The superintendent of public instruction urges the importance of providing some system of free textbooks, at least free to these children of the rural districts, and presents a strong argument in support of his position. It is further pointed out that provision should be made for the publication and distribu-

tion to proper officials of all laws on school subjects immer on their passage by the Legislature, and it is urged that pro should be made for a complete combination of all school law:

19 Ja 03, 1

d **Okl. Ferguson.** "The Oklahoma public school system creasing in efficiency every year. . . The system is properly c into three departments; the primary and intermediate grad high school, and the university and college. . . The great r the school system is more complete organization of the sec or high schools. With the completion of the southwestern n there will be seven territorial educational institutions. . system of supervision consists of a territorial superintendent, superintendents, and a territorial board of education." 13 Ja

e **Tenn. Frazier.** " . . . While as a state we have made con able progress, under many and trying difficulties, toward the tion of all the people, unfortunately the recent census report a degree of illiteracy in Tennessee which should not be allo exist in a state whose people have always displayed the l patriotism and whose natural wealth is unsurpassed by that other state in the Union. . . In Tennessee our public school : is a mixed one—partly state, partly county, and partly dis that is, the state exercises a general supervision over the schools and contributes annually to their support the inter the so called 'school fund,' paid out of the general revenues state. It also levies a poll tax and a property tax of 15c \$100 for their support; but both the poll tax and the proper while levied by the state, do not pass through the state tre but are expended in the counties where collected. Each exercises supervision over its own schools through its county intendent, and through its County Court is empowered to tax, not to exceed the state tax, for their support. Each district, through three directors elected by the people, ex supervision and control over its schools, but has no power t taxes or raise money to supplement the state and county fun

23 Ja 0;

f **W. Va. White.** "The state superintendent . . . urges a r and codification of the school laws. . . The superintendent advocates the centralization and consolidation of country s on the plans adopted in some of the other states. He also cates better schoolhouses. Another recommendation of v the establishment of county high schools. This is a practic well as a most desirable step in the development of our cc school system. . . "

14 Ja 03,

# 2227 **Districts. Formation. Division. Consolidation**

*State Consolidation of schools, 1902*

a **Or. Chamberlain.** " . . . Some provision ought to be ma permitting rural districts to consolidate for the purpose of p ing a graded school system, so that children on the farms may

## ADMINISTRATIVE LAW EDUCATION

2227-3

- near their own homes those advantages which are given to the patrons of the public schools in the cities. . . " 14 Ja 03, p.26
- b R. I. Garvin. "Under the present local option law, the town system of public schools has been gradually displacing the district system. All of the cities and 15 towns, including most of the larger ones, have now abandoned the district system. It would seem that the time has come to consider seriously the establishment of the town system throughout the entire state by a general law. In the same act it would be well to provide for state aid toward paying the salaries of local superintendents of schools, in this way simultaneously increasing the efficiency and lessening the cost to the municipalities which make the change of system." 6 Ja 03, p.11
- c Tenn. McMillin. " . . . Dividing districts, and thereby diminishing the fund to each school, may quadruple inefficiency. . . It were better for the student to go a little farther to a good school than attend one at his front door that is worthless and indifferent. You should not hesitate to correct, by appropriate legislation, the destructive chopping up of school districts." 12 Ja 03, p.2
- d Tenn. Frazier. " . . . In many counties of the state there are too many school districts and too many schools. . . We need, above all things, stronger schools and longer school terms. The first step toward the accomplishment of this end should be a reduction of the number of school districts. . . " 23 Ja 03, p.11
- e U. Wells. "I specially direct your attention to his [superintendent of public instruction] recommendation that the school districts in each county be consolidated into one district, to be under the control of a board of education, consisting of from three to seven members. I agree with him that if this consolidation can be effected, it will do much to simplify, strengthen and economize our present school system." 13 Ja 03, p.13

## Officers. Boards

2228

2229 State

- a Ari. Brodie, 19 Ja 03, p.14.
- b Kan. Bailey. "There is a universal sentiment among the teachers and educators of the state that the salary of the state superintendent should be increased from \$2000 to \$2500. . . " 13 Ja 03, p.4
- c Minn. Van Sant. " . . . The salary of the superintendent of public instruction should be increased from \$2500 to \$3500. . . " 7 Ja 03, p.17
- d N. C. Aycock. "The salary of the superintendent of public instruction is inadequate. . . As long as we treat the office of superintendent of public instruction as the least important office in the state, educational interests will suffer. . . " 7 Ja 03, p.12

130 County

- a La. Heard, 12 My 02, p.12; parish superintendent. S. D. Herreid, 6 Ja 03, p.15, 35; salary of county superintendent.



## 2232 Buildings. Grounds

### 2233 Construction. Sites. General

- a **Tenn. Frazier.** "... No schoolhouse should be hereafter located and built out of school moneys in any district till the location has been examined and approved in writing by the superintendent of public instruction of the county. . . " 23 Ja 03, p.1

### 2236 United States flag

- a **Okl. Ferguson.** "I respectfully recommend that a law be enacted making it the duty of every school district in the territory of Oklahoma to keep a flag flying over the schoolhouse while school is in progress. . . " 13 Ja 03, p.2

## 2237 General school finance

For finances of state educational institutions, see 2332

## 2239 State and local

- a **Ala. Jelks,** 14 Ja 03, p.8-10.
- b **Cal. Pardee.** "The policy has been adopted by all the states in dividing the cost of maintaining public schools between state and local governments. But while the average of all the states show that 16% of the total is borne by the state governments, the proportion so borne in California is 45%, or nearly three times as great. . . " 7 Ja 03, p.1
- c **Ga. Terrill.** "... Georgia was the first in the Union, and probably the first in the world, to incorporate in its organic law a provision for public schools, for in 1777, in its first Constitution, declared that 'schools shall be erected in each county and supported at the general expense of the state.' . . . It often happens that while a county is unable to supplement the school fund by taxation, those living in a particular militia district are willing to add to the state fund so as to lengthen the school term, and they should be permitted to do so. . . Ordinarily, the unit in our state government is the county, and the general law now of force on this subject contemplates city or county taxation, but authority ought to be given to a militia district or a school district to collect a local tax for school and schoolhouse purposes, wherever the taxpayers desire, and I therefore, recommend legislation—including a constitutional amendment, if that be necessary—providing that on the request of two thirds of the taxpayers in any militia district or school district, a reasonable tax may be imposed on the properties therein, the proceeds of which shall be applied by the school trustees to educational purposes, or to the purchase of land and the erection of school buildings in that particular district." 8 N 02, p.64
- e **Tenn. Frazier.** "I am convinced that if the power could be given to the districts to supplement the state and county funds by a district tax, such as is allowed to municipalities under the act of 1885, our system would be greatly strengthened where weakest, and the

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this would meet the pressing needs of our country schools. But, after a careful study of the subject, I am of the opinion that there are insurmountable constitutional objections to the vesting of this power in the school districts. . . We are then limited to the state and county as the units to which we must look for all the revenues available for maintaining and supporting our public schools. Of these, the county contributes very much the greater portion of the school fund. I think the state unit should be strengthened by enlarging the amount of its contribution. . . By doing so it would in the distribution, according to scholastic population, of the funds thus raised, give a greater proportion to the country schools and weaker communities, which are least able to help themselves and where it is most needed. . . I further recommend that the counties be empowered to raise their rate of taxation for school purposes to some reasonable figure above that levied by the state, and that they be directed to raise by taxation a sum which, added to that raised by the state, shall be sufficient to maintain the public schools for not less than six months in the year. . . "

23 Ja 03, p.7-9

- f **W. Va. White.** "The total cost of education, including building fund, expended on our public schools, has grown from \$1,914,733.36 in 1899 to \$2,197,133.45 in 1902. . . Based on the enumeration of school youth, the cost of education averaged \$6.69, while based on daily average attendance the cost was \$14.18. It is interesting to note that Maryland spent \$21.95, Ohio \$21.63, and Pennsylvania \$25.12 per pupil enrolled in their public schools. The average pay of the public school teacher in Maryland last year was \$416.02, in Ohio \$375.38, in Pennsylvania \$367.27, in Kentucky \$233.45, while in West Virginia it was only \$189.03. These figures speak for themselves, and carry with them the conviction that our state is not treating its public schools as generously, or doing by them as well, as we ought to do."

14 Ja 03, p.37

- g **La. Heard.** "... In a number of parishes and subdivisions thereof, the people have voted special taxes for the public schools. This action is in accord with the best and most practical thought. In all the states where this method has been pursued, public education has attained its greatest development. It awakens the spirit of self-help and of self-reliance, which seldom fail to achieve success. The consensus of opinion, I am glad to say, is in opposition to the idea that the means to conduct public education should be wholly furnished by the state."

12 My 02, p.11

2240 **Funds. Lands. Taxes***See also* Public lands, 773

- a **Col. Orman**, 10 Ja 03, p.7-10; school fund. **Ct. Chamberlain**, 7 Ja 03, p.13-14. **Ga. Terrill**, 8 N 02, p.5-6; payment of teachers salaries. **Mass. Bates**, 8 Ja 03, p.13. **Mo. Dockery**, 8 Ja 03, p.6-7; school fund. **N. D. White**, 8 Ja 03, p.10-14. **Okl. Ferguson**, 13 Ja 03, p.12-13; board for leasing school lands. **Or. Geer**, 10 Ja 03, p.11-12; school fund. **S. D. Herreid**, 6 Ja 03, p.47-48; school lands. **Tex. Sayers**, 16 Ja 03, p.3-5. **W. Va. White**, 14 Ja 03, p.25.

- b **Col. Orman.** "The present [land] board, believing that the interests of the public schools would be best subserved by leasing the state lands, adopted that policy, and so far it has proved the right course to pursue. I believe that so long as the state can lease its lands to an advantage, it is much better than to sell it and be compelled to derive the revenue from other sources; that is, by investing the purchase money so received in bonds and warrants . . . A change should be made extending the rental period, with five or ten year periods of reappraisalment. . . This board has discouraged the sale of lands to a large extent, and I believe this policy should be continued. When sales are made, they should be confined to small tracts, not exceeding 160 acres, and then only when it has been conclusively demonstrated that such sale will materially enhance the value of the surrounding state land, such as the establishment of manufacturing plants, for the construction of reservoirs, or something that will make a demand for the other land at a higher rate of rental than can now be secured. . . "
- 10 Ja 03, p.24-25
- c **Del. Hunn.** "The appropriation for the general school fund should be increased to \$135,000, in order that better teachers, at better salaries, may be secured; and the appropriation for the erection and repair of schoolhouses for colored children, should be reenacted for two years more, with a larger discretionary power vested in the county school commissions for its expenditure. Those districts, the ablest in resource, have already taken advantage of the appropriation; those less able should have a greater assistance."
- 6 Ja 03, p.8-9
- d **La. Heard.** "The increased revenues of the state will enable you to increase in corresponding ratio the amounts going into the current school fund. . . "
- 12 My 02, p.12
- e **Mich. Bliss.** "The heavy increase in the income of the primary school interest fund, as a result of the larger taxes paid by the former specific tax properties, is a subject of great interest. . . A limit ought to be fixed beyond which the taxes derived from these properties shall be used for the general purposes of the state, or else be diverted to the support of the higher educational institutions, such as the University of Michigan, the Agricultural College and the state normal schools, in this way affording direct relief to the general taxpayer. The ad valorem taxation of railroads and other former specific tax properties, if sustained, has increased the income of the primary school interest fund by over \$2,800,000 each two years. . . If this increase of \$2,800,000 should be turned into the general fund it would render unnecessary the levying of a tax for the payment of the current expenses of the prisons, the asylums and the general purposes of the state, which for the last two years aggregated \$2,492,000. In order to afford this relief to the general taxpayer, it will be necessary to submit an amendment of the Constitution to the people and this should be done at the coming spring election. . . "
- 8 Ja 03, p.4

**Minn.** Van Sant. "Our school and university funds amount to about \$17,000,000. It is estimated that this fund, when all our lands are sold and all the revenue from other sources secured, will amount to \$30,000,000 or more. By a wise provision of law the fund is to remain permanent—only the interest can be used. Annually more than one half million dollars from this source is available for educational purposes." 7 Ja 03, p.6

**N. C.** Aycock. ". . . I recommend that all vacant lands belonging to the state be transferred to the State Board of Education, to be sold for the highest price obtainable, but in no case for less than 50c an acre, the sale to be approved by the State Board of Education before the grant is issued." 7 Ja 03, p.19

**Tex.** Sayers. "It must be evident from the data given that if the public free schools are to be improved to great efficiency and so maintained, the way must be found to largely increase the present amount of annual revenue. . . It is believed that only two methods are practicable under present constitutional limitations—the one, to increase the ad valorem rate by 2c on the \$100, and, also, to draw on funds arising from sources permissible by the Constitution; the other, to supplement the present revenue by local taxation. . . Of the entire revenue for public free school purposes, during the years 1899-1900, in Texas, 25.1% was derived from permanent funds, 49.9% from state taxes, 22% from local taxes, and 3% from other sources." 16 Ja 03, p.16

**W. Va.** White. "It is very desirable that the state should do more for our primary common schools than it is now doing. In a number of districts, though the maximum local taxation is had, and they have their share of the distributable school fund, the terms of the school year are less by one to two months than the minimum of five months prescribed by law. . . " 14 Ja 03, p.16

**Wis.** La Follette. "In 1885, the law which now stands as section 1072a, statutes of 1898, was enacted. By the terms of this statute a state tax of 1 mill for each dollar of the assessed valuation of the taxable property in the state, as determined by the board of assessment, constitutes, when so levied and collected, a fund for the benefit of the common schools. . . This law, which has been in force for nearly 20 years, has annually produced for the benefit of the common schools a state tax of about \$600,000. The State Board of Assessment, following the commands of the statute, fixed the value of the taxable property of the state at its full value, increasing it from \$630,000,000 in 1900 to \$1,436,284,000 in 1901, and to \$1,504,346,000 in 1902, increasing the state mill tax from \$630,000 in 1900 to \$1,436,284 in 1901, and to \$1,504,346 in 1902. This is an average increase for the last two years amounting to \$840,315. Under this law the older and richer counties of the state contributed to those counties with a relatively larger number of children of school age and taxable property of less value. This is in a measure justified because of the general interest which all citizens have in

maintaining a well developed and well balanced school system throughout the state. I am advised, however, by the Tax Commission that the amount raised under the mill tax levy, together with the corresponding tax levied by the county board on the towns, produced such a sum of money in the aggregate when apportioned to the different school districts as to render it quite unnecessary to levy any school district tax in order to maintain the school. Indeed, in some instances, the district school was maintained without the levy of any local tax and a surplus left over in the district treasury. . . . I recommend that Senate bill 220, limiting the amount which can be collected under the mill tax law to \$650,000 be enacted into law."

15 Ja 03, p.13-1.

#### 2241 Investment of funds

- a **Neb. Savage.** " . . . The amount of securities held for the permanent school fund now aggregates \$5,380,000. The amount of money which the state has forthcoming from sale contracts on school lands approximates \$5,000,000. Arrangements must be made therefore for a continuous investment of a trust fund of at least \$10,000,000. Under prevailing constitutional limitations investment of anywhere near the full amount of this fund is impossible."

6 Ja 03, p.4

- b **S. D. Herreid.** "The 'permanent school fund' at the close of the fiscal year had reached the sum of \$4,084,566.59. Of this sum on that day \$538,511.06 was lying idle in the state treasury. . . . Our magnificent school fund will in the near future assume gigantic proportions. The commissioner of school and public lands estimates that the remaining unsold school lands can in the near future 'be sold at a price at least equal to the average of those lands already sold, or \$14.60 per acre'—a sum exceeding \$31,000,000. The question is : What shall we do with this large trust fund? With a decreasing rate of interest on gilt-edged securities, and the public and private indebtedness of the state rapidly disappearing, the day is not far distant when it will be necessary to look beyond the state for the investment of this fund. The judicious management of the money will demand discriminating care and business ability of the highest order, and a comprehensive system sufficiently broad and elastic to remain operative, not till the next session of the Legislature, but for many years to come. . . ."

6 Ja 03, p.1

#### 2242 Apportionment

- a **Me. Hill.** "I recommend that the state school funds be apportioned on the basis of average attendance, instead of on the basis of the number of persons between 4 and 21 years of age, in the different towns and cities. . . ."

8 Ja 03, p.7

- ai **Mass. Bates.** "The state is interested in the legal and wise use of what it contributes, either from the school fund or from other sources toward the support of public schools. In some of its policies, as in what it does for the salaries of teachers in small towns and for high school instruction in towns under 500 families,

the state sufficiently guards its interest. It is worthy of inquiry, however, whether, in general, in granting school aid of any kind to towns or to districts, or for any educational purpose, the state should not reserve enough of definite authority to insure compliance with the intent of the state in granting such aid."

8 Ja 03, p.12-13

b N. C. Aycock. "But for the fact that some of your honorable body have come to the Legislature instructed by the conventions which nominated you to secure the adoption of an amendment to the Constitution by which the taxes paid by the whites shall go to the education of the white children and the taxes paid by the negroes shall go to the education of the negro children, I should make no mention of any race question. I had confidently hoped that this matter would not be before you. We have just eliminated by our constitutional amendment the negro from any large participation in the government of the state. . . I am not unmindful of the fact that the education of the negro has been somewhat disappointing, and there are many of our people who really believe that education is injurious to the negro. They insist that it tends to make him worthless, and leads to the commission of crime. Unfortunately we have not gathered sufficient statistics to put this contention fully at rest, but the state's prison does keep a record, and from it, it is found that within the last two years of the negroes who have gone to the penitentiary 241 can not read and write, while 179 have been admitted who can read and write. 47.6 of our negro population are illiterate and 52.4 can read and write. So that for the higher crimes punishable in the penitentiary it clearly appears that illiteracy among the negroes is an injury to the state in that it produces over 40% more of crime. But, however this may be, our duty is plain to try to find a way in which his education can be made more valuable to himself and to his state. Certainly this can not be accomplished by leaving him to the pitiful income arising from his own taxes. The negroes of North Carolina pay for school taxes \$126,442.90. There are 221,958 negro children of school age in the state. This would give to each child a little less than 57c, and would furnish schools for them for a little more than one month out of the 12. . . The federal court in Kentucky expressly held that a provision dividing the funds between the races according to the sums paid by each race for education was prohibited by the 14th amendment. It seems to me clear that this opinion is right, and if it is the proposed amendment would be declared unconstitutional, and the suffrage amendment which we have adopted, and which promises so much to the state, would undoubtedly follow in its wake. . . In my judgment our Constitution does not contemplate a division of the school fund per capita, but it is required that equal facilities shall be accorded both races. . ." 7 Ja 03, p.7-11

c S. C. Heyward. "The framers of our organic law, realizing that wealthy and populous communities could provide schools for them-

selves, while poorer and more thinly settled districts were not so fortunate, have made it the duty of the General Assembly to supplement the school funds of the latter, in order that all the children of the state may have an equal opportunity to acquire somewhat more than the rudiments of an education." 21 Ja 03, p.8

- d **Tex. Sayers.** " . . . Two years ago, the attention of the Legislature was specially called to this unseemly and glaring misappropriation of the money intended for educational purposes, but no action was had to prevent its recurrence. The State Board of Education, by whom the available school fund is distributed, has at no time been at all at fault; because it is required by law to apportion according to the census returns, and not on the enrolment. If the annual reports of the superintendents of public instruction may be relied on, it can not be questioned that many millions of the public money have been wasted, either on fictitious children, or on children who were not present at any time during the year in a public free schoolroom. . . " 16 Ja 03, p.17

## Teachers

2247

### Employment. Pay. Pensions

2252

2254 Salaries

- a **S. D. Herreid.** "School boards and patrons are demanding a higher grade of teachers and are willing to pay higher wages."

6 Ja 03, p.14

2256

### Qualifications. Examinations. Certificates

- a **Neb. Savage.** "Additional facilities should be provided for the better preparation of teachers for school work. Each year fully 2500 young and inexperienced teachers are added to the list and their duties and responsibilities are such that any defect in their qualifications must of necessity work harm to the intelligence of the people. . . I . . . recommend that the law pertaining to teachers be so amended as to make normal instruction compulsory and that no teacher be eligible to service in that capacity who has not attended normal school for at least one year. . . " 6 Ja 03, p.16-
- b **S. D. Herreid.** "I believe the time has arrived when so normal training should be a prerequisite to obtaining a license to teach in any public school in the state. . . " 6 Ja 03, p. -
- c **Tex. Sayers.** " . . . Legislation should also be had that will prevent the improper issuance of teachers certificates. In some counties they can only be secured on the applicants proving themselves entirely worthy, as well professionally as personally. In other places, however, the boards of examiners have too often shown themselves either ignorant of their duties, or purposely careless of the character of the schools. . . " 16 Ja 03, p.2

2261 Certificates to college and normal school graduates

- b **Ill. Yates.** "State normal school diplomas should be license to teach in any county of the state for a limited time, and on pr-

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vate evidence of satisfactory work they should be converted into perpetual licenses. . . " 7 Ja 03, p.38

**Institutes**

**Tenn.** Frazier, 23 Ja 03, p.12.

**Normal schools**

**Ari.** Brodie, 19 Ja 03, p.19-20. **Col.** Orman, 10 Ja 03, p.15-16. **La.** Heard, 12 My 02, p.27-28. **Minn.** Van Sant, 7 Ja 03, p.17. **Neb.** Savage, 6 Ja 03, p.17. **N. C.** Aycock, 7 Ja 03, p.13-14. **N. D.** White, 8 Ja 03, p.9-10; new buildings. **Okl.** Ferguson, 13 Ja 03, p.8-9, 11. **S. D.** Herreid, 6 Ja 03, p.22-24. **Tenn.** Frazier, 23 Ja 03, p.12-13; Peabody College for Teachers. **Tex.** Sayers, 16 Ja 03, p.14-15. **W. Va.** White, 14 Ja 03, p.42.

**Or.** Chamberlain. "There are now four normal schools in the state. . . The primary object of the normal school system is often lost sight of, and many pupils are enrolled who have no intention or expectation of adopting school-teaching as a profession, while in some instances they are only doing the work that ought properly to be done in the higher grades of the public schools. The result of this course necessarily lowers the standard of normal school work, and at the same time affects injuriously the public schools wherever the normal school is located. . . I recommend that the number of normal schools, aided by state appropriation, be reduced to two, and that admissions thereto be hedged about by such restrictions as will require them to carry out in good faith the purposes of their creation. . . " 14 Ja 03, p.27-28

**W. Va.** White. "Our normal schools are not normal schools in fact. There is special normal training given by a competent teacher at present at but one of these so called normal schools. These schools are in reality but academies or high schools, and do work on a par with the work done in the best high schools in our state. . . " 14 Ja 03, p.38

**Wis.** La Follette. "There are now six county training schools for teachers supported in part by the state, doing excellent work in better qualifying teachers for country schools. It is suggested that provision may be wisely made for at least four more such schools. Naturally some additional appropriations will be asked to keep these schools in line with progressive development. There is no dissenting opinion respecting the permanent value to the schools of the state from the work of the normal schools. Within recent years the courses of study have resulted in a nearly uniform system of teaching, and all are equal in rank, in the estimation of educators, as regards character and proficiency. . . The work of the normal schools already established will be early reenforced by the county training schools for teachers, which have proved satisfactory where tried, and which apparently are growing in popular favor." 15 Ja 03, p.72-74



2267

**Attendance**

2270

**Compulsory attendance. Truancy***See also* Employment of children, 2118

- a Col. Orman, 10 Ja 03, p.43; raising of age limit recommended.
- b Kan. Bailey. "Repeated efforts have been made in recent years to improve our compulsory attendance law. It is conceded that our present compulsory attendance law is weak in many respects, and should be strengthened. . . ." 13 Ja 03, p.5
- c W. Va. White. "The state superintendent advocates a more efficient compulsory attendance law to remedy in part the startling facts . . . that 25% of our school population are not enrolled at all. . . He advocates provisions for the appointment of truant officers and other modifications of the present law." 14 Ja 03, p.36
- d Wis. La Follette. "To mitigate the evils of child labor in factories he [commissioner of labor statistics] favors compulsory attendance of children at school during the school year, a change in the present method of issuing age certificates to make it impossible for unscrupulous parents to profit by false affidavits, and a repeal of the permit system which operates to the evasion of other provisions of the law." 15 Ja 03, p.85

**2272 Place of attendance. Conveyance of pupils. Consolidation of schools***See also* Consolidation of districts, 2227

- a Mich. Bliss. " . . . The superintendent of public instruction very properly recommends the adoption of an alternative plan whereby the people of contiguous districts, consulting their own convenience, may combine at their option and substitute the centralized for the district school. . . ." 8 Ja 03, p. 15
- b Wis. La Follette. " . . . When approximately \$4,000,000 is expended for school purposes throughout the state, outside the cities under city superintendents, a clear waste of nearly 40% of the expenditure through absence of pupils, who by right and by law should be in school, is not a matter to be neglected. It is pointed out by educators that this sum would much more than provide comfortable transportation of all children in country districts well built, well graded and well taught central schools. The Legislature of 1901 enacted a law to provide for transportation of pupils in rural districts, and I commend to your attention the need of effort to improve these laws and make them more effective in promoting the excellent work for which they were originally designed." 15 Ja 03, p.

2275

**School year, month, day**

- a Or. Chamberlain. " . . . In many of the sparsely settled rural districts the people are too poor to maintain more than a three months school each year. Some assistance ought to be given them by the state to enable these districts to maintain a longer term. .

14 Ja 03, p.25—

## ADMINISTRATIVE LAW EDUCATION

2275-8

- 1 **W. Va. White.** "I am heartily in accord with the recommendation of the state superintendent that the Legislature should increase the minimum school term to at least six months. Not more than 30% of the school youth of this state had over five months school term last year. . . The state superintendent advocates increasing the state tax for our public schools 5c on the hundred dollars if the present method of raising taxes is to be maintained. Certain it is that the state is not doing its full duty by the common schools of the country districts. . . We are 70 days behind Maryland, 48 days behind Pennsylvania, and 47 days behind Ohio in the average length of our school year." 14 Ja 03, p.36-37

2 **Textbooks. Curriculum. General**

- a **Tex. Sayers,** 16 Ja 03, p.11-12.

3 **Free textbooks**

- a **U. Wells.** "The reasons advanced by the superintendent [of public instruction] for providing free textbooks to the common schools are sound and convincing. The only objection is the expense. . . " 13 Ja 03, p.14
- b **Wy. Richards.** "The free textbook law now in force for more than three years, has proved a blessing and meets the almost universal commendation of our people." 13 Ja 03, p.5

4 **Uniformity**

- a **Or. Geer,** 10 Ja 03, p.23-24; Textbook Commission.
- b **La. Heard.** "Last summer, the State Board of Education took up and disposed of the question of contracting for the textbooks for the public schools throughout the state. After a careful examination of such books by experts, and a full consideration of the bids submitted by publishers, contracts were entered into for the ensuing four years. It is calculated that a saving of 33% to the parents of school children was effected in the elementary branches and of 25% for the high schools. . . " 12 My 02, p.11
- c **Mon. Toole.** "The seventh legislative Assembly provided for the creation of a state board of textbook commissioners, with power to select and adopt a uniform series of textbooks for use in all the public schools of the state, and to make and enter into a contract for supplying the same at a stipulated price, for the period of six years from and after the first day of September, A. D. 1897, which was done accordingly. . . The superintendent of public instruction has advised me that the contractors have habitually violated the terms of the contracts, in selling such books at a price far in advance of the stipulated price, and in failing, in many instances, to establish and maintain a place in each county for the distribution of such textbooks. . . " 5 Ja 03, p.32-33
- d **Tenn. McMillin.** " . . . I urged the Legislature of 1899 to pass a law authorizing the adoption of a uniform system of textbooks

throughout the state, the adoption to run for a period of year. Such a law . . . has . . . been tried for more than three years. . . I do not hesitate to express the conviction that it has resulted in great saving to the people of the state, improvement in the book used, and incalculable advantage to the cause of common school education. . . The saving in first cost has been about one third but there are other economies from it which, while not easy to calculate, are patent to behold. . . " 12 Ja 03, p.

- c **Tenn.** Frazier. "The law providing for a uniform system of textbooks for the public schools of the state, passed in 1899, has after more than three years of trial, fully met the expectations of its friends. . . " 23 Ja 03, p.1

- f **Tex.** Sayers. "One of the most notable and substantial reforms accomplished under the administration of my immediate predecessor was that which followed as a direct consequence of the enforcement of the act of June 10, 1897. As a measure intended to insure better textbooks than those then being generally used and at much less cost, it has been successfully and satisfactorily enforced. The contracts, made under the law, will expire Sep. 1, 1903. Cities of 10,000 inhabitants or over, are not included within its provision unless their councils or school boards shall consent. No controlling reason, it is believed, can be assigned why such cities should be exempted." 16 Ja 03, p.

2287

**Branches. Courses**

2288

**General. Miscellaneous**

- a **Or.** Chamberlain. ". . . Nonessentials should be eliminated and essentials installed. It is to be feared, however, that the modern tendency is to reverse this wholesome rule, and reading, writing and arithmetic are giving way to music, drawing and other embellishments. Too many are the books and too many the studies for thoroughness in those things which go to fit our boys and girls for useful men and women, and embellishments are being added to the courses of study each year which had better be left to schools of art and to colleges and universities." 14 Ja 03, p.
- b **Wis.** La Follette. "This is a practical age. The demand is for the things most needful. Make the training in the district schools of so great practical value that it will enforce itself. Teach some things that will have daily application to the life on the farm. Add elementary training in agriculture and domestic science. Complete the teaching of these practical, valuable branches and you will have a self-enforcing compulsory law respecting attendance. This suggestion was made in the message two years ago. It is urged at this time on your favorable consideration." 15 Ja 03, p.7

2312

**Pioneer day**

- a **Mon.** Toole, 5 Ja 03, p.55-56; Pioneer day.

## ADMINISTRATIVE LAW EDUCATION

2327

## High schools and academies

- 1 **Ari. Brodie.** "The only discrepancy apparently existing in the school system of Arizona is the lack of a sufficient number of high schools. They are the stepping-stones which lead to the normal schools and the university, and their growth should be substantially encouraged." 19 Ja 03, p.14

## State aid

- 1 **N. C. Aycock,** 7 Ja 03, p.16; Cullowhee High School. **Okl. Ferguson,** 13 Ja 03, p.10-11; University Preparatory School.
- 2 **Cal. Pardee.** "By the adoption, at the recent election, of a constitutional amendment, the levying of a special state tax for the support of high schools is authorized; and thus there is taken another long forward step. . . For the present, and for some time to come, the advocates of state support of high schools ought to be content with a very moderate special tax. . . " 7 Ja 03, p.10
- 2 **Me. Hill.** "The general law providing for aid to academies, enacted by the Legislature of 1901, appears to have fulfilled the expectations of its advocates, and has apparently proved an effective remedy for the evils previously existing, while at the same time giving aid to many worthy and deserving institutions which are doing splendid work in the various towns in which they are situated." 8 Ja 03, p.9
- 1 **N. Y. Odell.** " . . . It should be provided by legislation that high school education shall be accorded to all pupils residing in districts without these advantages, at a per capita rate to be paid for by the state, and thus relieve the parents of the expense of tuition incident to the full enjoyment of these privileges. . . " 7 Ja 03, p.33
- 2 **W. Va. White.** " . . . We are expending on academic education more than we ought to do in justice to other interests with our present income. . . I respectfully suggest to the Legislature the propriety of doing away with at least four of the six normal schools and also the two preparatory branch schools." 14 Ja 03, p.40

## Higher education

## State institutions (general)

- 10 **Kan. Bailey,** 13 Ja 03, p.4. **Mon. Toole,** 5 Ja 03, p.21; proposed consolidation of state educational institutions. **Neb. Mickey,** 6 Ja 03, p.46. **W. Va. White,** 14 Ja 03, p.42-44; state preparatory schools and institutes.
- 32 **N. D. White.** "The experience of other states has proved beyond a doubt that the management of our state educational institutions by a single board of control has many advantages that are worthy of your consideration. . . Unnecessary duplication of courses of study should be avoided. Each institution should be kept within its special sphere. Buildings should only be erected when needed and when funds have been appropriated for the pur-

pose. Local influences and jealousies should be eliminated. So results I am convinced can only be obtained by placing them under a single control. . . . " 8 Ja 03, p.14

- c S. D. Herreid. "The State University, four normal schools, the Agricultural College, and the School of Mines—seven educational institutions—are by the Constitution placed under the control of a board of five members called Regents of Education. . . . "

6 Ja 03, p.

- d U. Wells. "The recommendation of the superintendent [of public instruction] in regard to duplication of work in the various institutions of higher learning in the state [University of Utah and the Agricultural College] meets my hearty approval, as I am sure will that of all the taxpayers. . . . " 13 Ja 03, p.

- e Wash. McBride. " . . . Our educational institutions should be kept entirely free from politics, or political influence of any kind. Appropriations for their support should not be made to hinge on any other legislation. In this matter but two considerations should govern—their actual needs, and the ability of the state to meet these needs. I have not caused the removal of any member of the Board of Regents, or Board of Trustees, of these institutions, nor have I appointed any such member, for political reasons; nor shall I do so. And, whatever contests may face us during this session, I do not indulge the hope that no one of our educational institutions may be made the football of contending forces, or of aspirants for place." 13 Ja 03, p.

### 2333 Finance. Lands. Support

*See also School finances, 2237; Public lands, 773*

- a Col. Orman, 10 Ja 03, p.13-15.

- b U. Wells. "His [superintendent of public instruction] recommendation that the University of Utah and the Agricultural College be supported from a fixed levy out of the state tax instead of from legislative appropriation is based on the idea that these institutions would thus be placed on a firm and more certain basis, so that their respective boards of control would know exactly what plans might be made and carried into successful operation. Inasmuch as each session of the Legislature would necessarily have to fix the levy for these purposes and could fix it at 1 mill or half a mill or at any other rate it might deem adequate for the ensuing biennial term, I am at a loss to see how the revenues for support of these institutions would be rendered any more secure or certain by the charter than they are at present." 13 Ja 03, p.13

### 2335 Admission. Scholarship. Tuition

- a Del. Hunn. "A growing sentiment is displayed among the people favoring equal opportunity for advanced education to the youth of both sexes. This opportunity has already been provided for young men by Delaware College. . . . The better solution would be to open the doors of Delaware College to both sexes and give each of them equal advantages for mental training; or at least

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establish therein, in addition to the other courses, a normal school course. The time is coming when the participation of women in all our civil affairs will be voluntarily sought as an infusion of indispensably new elements into our citizenship. The proper provision for this will be found in coeducation, which has proved successful to a high degree in other states." 6 Ja 03, p.9

- b **Kan.** Bailey. "I believe that the law should provide for the charging of a nominal incidental or tuition fee at our educational institutions. I find, on investigation and correspondence with other states, that this custom is largely in vogue, resulting in considerable revenue for maintenance without inflicting any hardships or burdens. Specially do I think it unjust to the taxpayers of our state that pupils from other states can attend our state educational institutions free of cost, as is now done. In the three institutions of our state, there are now enrolled 169 pupils from other states, with practically no cost to them. I would respectfully recommend that a tuition fee be charged for pupils outside of the state of at least 50% of the per capita cost of the tuition at the institutions they attend." 13 Ja 03, p.4

## 5 State universities. Colleges

- a **Ari.** Brodie, 19 Ja 03, p.19; **University of Arizona.** **Cal.** Gage, 5 Ja 03, p.55-56. **Cal.** Pardee, 7 Ja 03, p.11-12. **Ga.** Candler, 22 O 02, p.6. **Id.** Morrison, 5 Ja 03, p.5-9. **Ill.** Yates, 7 Ja 03, p.39. **La.** Heard, 12 My 02, p.25-26. **Me.** Hill, 8 Ja 03, p.9-10. **Minn.** Van Sant, 7 Ja 03, p.17. **Neb.** Savage, 6 Ja 03, p.17-18. **Nev.** Sadler, 19 Ja 03, p.12. **N. C.** Aycock, 7 Ja 03, p.12-13. **Okl.** Ferguson, 13 Ja 03, p.8. **Pa.** Pennypacker, 20 Ja 03, p.6-7. **Tenn.** Frazier, 23 Ja 03, p.13-14. **Tex.** Sayers, 16 Ja 03, p.12-13. **U.** Wells, 13 Ja 03, p.23-24. **W. Va.** White, 14 Ja 03, p.46-47. **Wis.** La Follette, 15 Ja 03, p.74-75. **Wy.** Richards, 13 Ja 03, p.11.

- b **Ala.** Jelks. "The university is independent of any legislation you can enact for it. Under the new Constitution, it draws out of the state \$36,000 a year and has a large additional income from the lease of its coal lands. . . ." 14 Ja 03, p.12

## 17 Private institutions

- a **N. H.** Bachelder. Dartmouth College. " . . . It seems just and consistent that, as New Hampshire is freed by this college from supporting a similar institution of its own, it should to some extent contribute to Dartmouth's expenses when its income from other sources is insufficient." 7 Ja 03, p.14-15

## 12 Professional and technical education

For examination and licensing *see* Medicine, 944; Dentistry, 948; Pharmacy, 949. *See also* Normal Schools, 2266.

## 4 Agricultural schools

*See also* Agricultural experiment stations, 1828

- a **La.** Heard, 12 My 02, p.25-26, 30-31. **Neb.** Mickey, 6 Ja 03, p.43-44; experimental farm at state university. **N. H.** Bachelder, 7 Ja 03,

- p.15. N. C. Aycock, 7 Ja 03, p. 14-16. Okl. Ferguson, 13 Ja 03, p.11. Tex. Sayers, 16 Ja 03, p.13-14. U. Wells, 13 Ja 03, p.24-25.
- b Ala. Jelks. "The . . . state superintendent of education, in his semiannual report, suggests that these schools be managed by a general board with a view of delocalizing them. The localities in which they are situated are so apt to look on them as private and to lose sight of their larger purposes and possibilities that I am disposed to agree with the superintendent in the suggestion. Speaking of them largely, I think they are not all carrying out the purpose of their establishment. They are not teaching agriculture, practically or theoretically. They are high schools for favored communities. A general board would establish a curriculum in which agriculture would have a most prominent place. If it were possible for us by means of these schools to give our boys and girls some pleasant theoretical and practical views of the growing of plants and interest them in our most important industry, they would be among the most valuable of all our institutions. . . If a general board is determined on for the purpose of providing the curriculum, it should be composed of the professor of agriculture of the polytechnic, the superintendent of education and the commissioner of agriculture, all to serve without pay. Again, a farmer's boy or girl can not always take a nine or 10 year course, for which some of these schools, at least, provide. They should all have a healthy four years course, the completion of which would carry the youth, beginning at a reasonable age of maturity, from the alphabet through a range of studies which would fit him or her for the most usual demands of life. A nine year course for an agricultural school does not fit the exigency of agricultural needs. . . "
- 14 Ja 03, p.10-11
- c Ga. Terrill. " . . . Nothing would be more helpful to this great interest than the establishment and maintenance of an agricultural school in each congressional district of the state, and connect therewith an experimental station and farmers institute. . . I urge the General Assembly to enact such legislation as will permit the establishment and maintenance of these schools. . . " 8 N 02, p.9-10
- d R. I. Garvin. "For the College of Agriculture and Mechanic Arts I recommend a special annual appropriation, to be termed a labor fund, which shall be devoted exclusively to two purposes: first, payment of pupils for labor performed on the college grounds; and, secondly, payment of salary and necessary expenses of a traveling teacher, whose duty it shall be to visit the farming sections of the state for the purpose of instructing all willing to be taught concerning the improvements and economies in the pursuit of agriculture." 6 Ja 03, p.11-12
- e Wis. La Follette. "In pursuance of an act passed two years ago, two county agricultural schools have been established, and their work is highly approved by those most competent to judge of its character. The cost of each of these schools to the state is limited

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to one half of the total expenditure and in no case can exceed \$1250. The material benefits to be derived from practical education in agriculture by those who will engage in agricultural pursuits, and who, as a rule, will have neither means nor time in later years for higher education in this branch of knowledge, need not to be estimated to be appreciated." 15 Ja 03, p.73

350

## Technical and manual training

- a **Ala.** Jelks, 14 Ja 03, p.12; state polytechnic school. **Cal.** Gage, 5 Ja 03, p.56; California polytechnic school. **La.** Heard, 12 My 02, p.28-30; state industrial institutes. **N. C.** Aycock, 7 Ja 03, p.13-16. **Okl.** Ferguson, 13 Ja 03, p.11. **Tex.** Sayers, 16 Ja 03, p.13-14.
- b **Mass.** Bates. "The action of the General Court in encouraging the establishment of textile schools by the passage of ch. 475 of the acts of the year 1895 has been fully justified. The three schools established as the result of this act are doing excellent work." 8 Ja 03, p.13-14
- c **Tenn.** McMillin. "I recommend for your consideration the enactment of such laws as will inaugurate, wherever it is possible, manual training and industrial education as a part of our common school system. . . I also think that there should be such change in the law as will authorize and require an extension of industrial education and manual training in the Deaf and Dumb Schools. . . It is also important that industrial education be extended, so far as possible, in the School for the Blind. . . I urge on you the establishment, in some one of the institutions of the state, of a school of technology. . . " 12 Ja 03, p.3-4

2352

## Libraries

2354

## State libraries

- a **Ari.** Brodie, 19 Ja 03, p.20. **Me.** Hill, 8 Ja 03, p.21-22. **Mon.** Toole, 5 Ja 03, p.28-29; maintenance fund for law library. **Okl.** Ferguson, 13 Ja 03, p.15; territorial library report. **U.** Wells, 13 Ja 03, p.43; state law library. **Wy.** Richards, 13 Ja 03, p.11-12.
- b **Wis.** La Follette. "Incidental to its general plan and purpose this [free library] commission has accumulated in its collection of literature the foundation of a legislative and administrative reference library to assist lawmakers and administrative officers in the performance of their duties. The value of such a library, properly classified, catalogued and indexed, and kept within the reasonable limits of public documents and works pertinent to legislation, will suggest itself to each one of you. . . I recommend that provision be made for permanent quarters for such a library within the capitol, and that a small additional appropriation, not to exceed \$1000 per annum, be made for the maintenance and conduct of the work. Such an expenditure will be saved many times over in actual expense of investigation, as well as in the work of legislators and state officers during each legislative session. . . " 15 Ja 03, p.82



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2355

**Public documents**

- a N. M. Otero, 19 Ja 03, p.53-54; New Mexico law report

2356

**Free public libraries**

2357

**State aid and supervision. Traveling libraries**

- a Vt. Stickney, 2 O 02, p.21. Wis. La Follette, 15 Ja 03,  
b Del. Hunn. "The State Library Commission, created  
Legislature, has, during its two years of existence, der  
the valuable character of this form of educational effort.

6

- c Id. Morrison. "The State Library Commission has  
cized as an unnecessary addition to the executive depa  
our government. It has been suggested that it be abo  
the duties thereof attached to those of the Board of  
with a provision making the president of the State Uni  
advisory member of said board for the purposes of the la  
the commission. . . "

5

- d W. Va. White. "In both of his messages to the Legi  
immediate predecessor recommended the establishment  
library system, to which I desire to call the attention of  
lature. The object is the establishment of free public l  
a supplement to our system of public schools. In nea  
states laws now exist encouraging the establishment an  
nance of such libraries. The plan proposed is threefold  
creation of a nonpartizan board of library commissioner  
without salary, but the board may expend a sum not  
\$500 a year for clerk hire, traveling and incidental expense  
every civic division of the state, as school district, town  
to be given power to levy taxes by a vote of its citize  
establishment and support of public libraries, either in c  
with its public schools or separate from them; third, a  
subsidies from the state to free public libraries, but no  
receive over \$300 a year, and all grants to be paid in bo  
library. It seems to be time for West Virginia to be ma  
step in this direction, though whether it is necessary to  
sidies is an open question in my mind."

14 Ja

2360

**School libraries**

- a S. D. Herreid. "Two years ago a law was enacted pro  
public school libraries. The wisdom of such a law is  
ceded. . . "

6

2362

**History. Records. Memorials**

2363

**State commissions and historian**

- a S. D. Herreid. " . . . The act of the Legislature of 190  
the Department of History will be recognized as one o  
important acts of legislation. . . "

6

## ADMINISTRATIVE LAW EDUCATION

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- b **W. Va.** White. " . . . Our records of the past are imperfect and incomplete, and I indorse the suggestion that a historical commission be designated by the Legislature to perform at least two important duties: first, to have all the missing public records, papers and documents from 1861 to the present time supplied as far as possible, to collect, edit, classify and print them in a series; and, second, to devise and adopt a systematic plan for the preservation and classification of our state archives in the future in a library established for that special purpose." 14 Ja 03, p.101

2364

## Anniversary celebrations

- a **La.** Heard, 12 My 02, p.46-47; cession of Louisiana. **Mich.** Bliss, 8 Ja 03, p.16; semicentennial anniversary of commencement of St Marys Falls ship canal.

165

## Archives. Records. Colonial laws

- a **N. M.** Otero, 19 Ja 03, p.57; preservation of Spanish documents and archives. **Vt.** Stickney, 2 O 02, p.22-24; surveyor general's papers.
- b **Ct.** Chamberlain. "The preservation of the public records of our state and its several towns demands your attention. While much has been done by the State Library and other state departments, and by some of the towns and churches in the way of indexing, rebinding and preserving their records and providing for their safety, there yet remain many records of priceless value in broken bindings and unindexed, and many which, being stored in poor vaults, or in safes that are not safe, are exposed not only to the accident of fire, but to the certainty of mildew and decay. . . An intelligent official supervision would do much toward correcting existing conditions by encouraging faithful officials and stimulating greater interest in those who are now indifferent." 7 Ja 03, p.20-21
- c **Ga.** Candler. "I beg again to call the attention of the General Assembly to the importance of making some immediate provision for the preservation of Georgia's Colonial, Revolutionary and Confederate records. . . Two organizations of patriotic women, the Daughters of the Revolution and the Daughters of the Confederacy, have already done much in the way of compiling and preserving these records, but they can not do all. . . I therefore earnestly recommend that the governor be authorized to appoint some fit and proper person, at a salary not to exceed \$2000 a year, for not exceeding three years, to take charge of the work and cooperate with these ladies in compiling and publishing the Colonial, Revolutionary and Confederate records of the state. . . " 22 O 02, p.25-26
- d **Ga.** Terrill. "The preservation of the records of the Colonial period and of the Revolutionary and Civil wars is a matter of much concern. . . I . . . recommend such legislation as will authorize the

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## N. Y. STATE LIBRARY GOVERNORS MESSAGES 1903

employment of some competent person to compile and p  
these records." 8 N o:

- c **N. C. Aycock.** "The state, for several years past, has been  
pelled to rent storage room for documents, records, manus  
and other papers of much value. . . We are . . . paying an  
interest on a sum of money which would be adequate for bu  
a suitable hall of records. . . " 7 Ja 03, p

2366

## Historical societies

- a **Ari. Brodie,** 19 Ja 03, p.12; Pioneer Historical Society.  
Bailey, 13 Ja 03, p.15. **N. M. Otero,** 19 Ja 03, p.58. **Okl. Ferg**  
13 Ja 03, p.16. **Or. Geer,** 10 Ja 03, p.20-21. **Or. Chamberlain,**  
03, p.43-44; Oregon Historical Society. **Wy. Richards,** 13  
p.21.
- b **Mich. Bliss.** "The purpose of the Pioneer and Historical S  
is to collect, preserve and publish the records of the state incl  
local history, biographies of noted Michigan people and dec  
the early pioneers and to furnish an encyclopedia from  
future historians may compile data as a record of the  
domestic and industrial life and showing the progress of ci  
tion from the earliest period of state history. . . Somethin  
should be done in the near future to encourage and stimula  
work along the lines above suggested. . . " 8 Ja 0
- c **W. Va. White.** "The West Virginia Historical and Antiqu  
Society should be made a state institution, and called the  
Museum, or other suitable name. It is a private corporatio  
it is furnished rooms, accommodations and nearly all its exp  
by the state, and yet the state government has no control o  
can not prescribe the hours that its rooms shall be kept  
knows nothing of its receipts or expenditures, and has no ve  
its management or control. Its government should be ves  
a nonpartizan board of directors. It is believed that these ch  
would result in the increased usefulness of this society."

14 Ja 0.

2367

## Museums

- a **Ari. Brodie,** 10 Ja 03, p.11; collection of relics of prehistoric  
**Wy. Richards,** 13 Ja 03, p.21.

2369

## Scenic and historic places

*See also: War memorials, 2370*

- a **Me. Hill,** 8 Ja 03, p.20; Fort William Henry. **Tex. Sayers,**  
03, p.25.
- b **Pa. Pennypacker.** "The fields of Fort Necessity, where V  
ington first became known; of Bushy Run, where Bouquet wo  
important victory, and the camp ground at Valley Forge sh  
be tenderly cared for and preserved . . . " 20 Ja 0.

2370

**Memorials. Monuments**

- a **Ind.** Durbin, 8 Ja 03, p.7-8; soldiers and sailors monument. **Mich.** Bliss, 8 Ja 03, p.15-16; soldiers and sailors monument.

2371

**Battle flags**

- a **Wis.** La Follette, 15 Ja 03, p.93.

2376

**Memorials on battlefields**

- a **Del.** Hunn, 6 Ja 03, p.15. **Ill.** Yates, 7 Ja 03, p.14; Vicksburg. **Ind.** Durbin, 8 Ja 03, p.8; Shiloh Park Commission. **Minn.** Van Sant, 7 Ja 03, p.21-22; Vicksburg Commission. **Tenn.** McMillin, 12 Ja 03, p.10. **W. Va.** White, 14 Ja 03, p.81-83; Point Pleasant Battle Monument Commission. **Wis.** La Follette, 15 Ja 03, p.92-93.

2377

**Memorials to individuals**

- a **Ind.** Durbin, 8 Ja 03, p.9; Nancy Hanks Lincoln monument. **Mass.** Bates, 8 Ja 03, p.9; statue of Gen. Joseph Hooker. **Tex.** Sayers, 16 Ja 03, p.25. **Vt.** Stickney, 2 O 02, p.17-21. **W. Va.** White, 14 Ja 03, p.31, 34. **Wy.** Richards, 13 Ja 03, p.20; Spanish-American War medals.

2379

**War records**

- a **Mich.** Bliss, 8 Ja 03, p.15. **W. Va.** White, 14 Ja 03, p.77-78.

2380

**Scientific work. Art**

2381

**General. Miscellaneous**

- a **U. S.** Roosevelt, 2 D 02, p.22; Smithsonian Institution.  
b **Wis.** La Follette. " . . . I am of opinion that some investigation should be made along ethnologic and anthropologic lines. Within a few more years civilization's obliterating influences will have removed the possibility of a successful conduct of this important historical work. . . " 15 Ja 03, p.95

2383

**Biology**

- a **La.** Heard, 12 My 02, p.14-15; gulf biologic station.

2384

**Geology. Topography**

- a **Ari.** Brodie, 19 Ja 03, p.11; United States Geological Survey. **Col.** Orman, 10 Ja 03, p.60-61; United States Geological Survey. **Ind.** Durbin, 8 Ja 03, p.32; United States Geological Survey. **Neb.** Savage, 6 Ja 03, p.19; United States Geological Survey. **Neb.** Sadler, 19 Ja 03, p.13-14; United States Geological Survey. **N. M.** Otero, 19 Ja 03, p.57-58. **N. C.** Aycock, 7 Ja 03, p.34-35; State Geological Survey. **N. C.** Aycock, 7 Ja 03, p.45-46; United States Geological Survey. **N. D.** White, 8 Ja 03, p.15; common control of two state geological surveys recommended. **Okl.** Ferguson, 13 Ja 03, p.22; United States Geological Survey. **S. D.** Herreid, 6 Ja 03, p.30-31; state geologist. **S. D.** Herreid, 6 Ja 03, p.49; additional legislation for Geological Survey recommended. **Tex.** Sayers, 16 Ja 03, p.13; Mineral Survey. **U.** Wells, 13 Ja 03, p.43; United States Geological Survey. **W. Va.** White, 14 Ja 03, p.32; United States Geological Survey. **W. Va.** White, 14 Ja 03, p.70-73; report of

State Geological Commission. **Wis.** La Follette, 15 Ja 03.  
Geological and Natural History Survey.

- b **Wy.** Richards. "This department [state geologist] of our government, which was instituted by an act of the last legislature of this state, has given satisfactory results, and has with the general approval of those who are engaged in developing the mineral resources of Wyoming. . . ." 13 Ja 03.

2386

### Art

- a **U.** Wells. "The excellent work begun in 1899 by the Utah Institute has continued during the past two years and has enabled this state to lead at least the intermountain West in art matters and to obtain a position recognized throughout the country as one of prominence in art circles. More important than this, however, is the refining influence of this organization among the people of the state, who are enabled, through its exhibitions, its lectures and other activities, to become familiar with current art thought and are stimulated to take part in our art development. It is in line with the tendency of the whole country, that drawing and art have become more distinct features of education in the public schools, but Utah was the first to create an art institute as a state organization, and the fact has been widely commented on and always to our credit. Important exhibitions were given in Provo last year and in Salt Lake City the year previous, showing marked advancement in merit over those of previous years. School exhibitions of drawings have also become the custom. The institute has continued its lecture work and is now getting into better position than ever to make this feature prominent and effective. The state now owns in the Alice Art Collection, enough fine paintings to form a permanent art gallery, besides other treasures in design, art photographs, architectural drawings, etc., that are fully equal in value to the amount heretofore received in the way of state aid. These are being added to by donation and otherwise, and the institute is looking for a place where they can be kept constantly before the public. In the meantime they are hanging on the walls of the governor's office, and subject to your inspection whenever you call on the executive. The usual appropriation of \$1000 per annum is expended by the institute as defined by the statute creating it, and should be continued for the ensuing two years." 13 Ja 03. p.

2388

## Military regulations

See also History, records, memorials, 2362

2390

### Militia. National Guard

2391 General and miscellaneous

- a **Ala.** Jelks, 14 Ja 03. p.10-20. **Ari.** Brodie, 19 Ja 03. p.16. **Pardee**, 7 Ja 03. p.14. **Col.** Orman, 10 Ja 03. p.35-38. **Col.** Peal, 13 Ja 03. p.100-1. **Ct.** Chamberlain, 7 Ja 03. p.11-12. **Del.** F. 6 Ja 03. p.14-15. **Ill.** Yates, 7 Ja 03. p.15-16. **Kan.** Bailey, 13 ]

## ADMINISTRATIVE LAW MILITARY REGULATIONS

- p.15. **La.** Heard, 12 My 02, p.20-21. **Me.** Hill, 8 Ja 03, p.13-14. **Mass.** Bates, 8 Ja 03, p.15. **Minn.** Van Sant, 7 Ja 03, p.18. **Mo.** Dockery, 8 Ja 03, p.9. **Mon.** Toole, 5 Ja 03, p.26. **Neb.** Savage, 6 Ja 03, p.20-21. **N. H.** Bachelder, 7 Ja 03, p.13. **N. M.** Otero, 19 Ja 03, p.55. **N. C.** Aycock, 7 Ja 03, p.29. **Okl.** Ferguson, 13 Ja 03, p.11-12. **Or.** Geer, 10 Ja 03, p.17-18. **Pa.** Stone, 6 Ja 03, p.4-5. **S. D.** Herreid, 6 Ja 03, p.20-22. **Tenn.** McMillin, 12 Ja 03, p.17-18. **Tenn.** Frazier, 23 Ja 03, p.22. **Tex.** Sayers, 16 Ja 03, p.7-8. **U.** Wells, 13 Ja 03, p.30-31. **W. Va.** White, 14 Ja 03, p.33-34. **W. Va.** White, 14 Ja 03, p.75-77. **Wis.** La Follette, 15 Ja 03, p.81. **Wy.** Richards, 13 Ja 03, p.19-20.
- b **Col.** Peabody. "... On account of the probable passage of what is known as the 'Dick' bill by the national Congress, which will bring the regular army and the National Guard into close association, it seems wise that the organization of the National Guard of Colorado should be changed so as to conform, as nearly as possible, to that of the regular army. . . " 13 Ja 03, p.100-1
- c **Del.** Hunn. "... I earnestly recommend that the National Guard of Delaware be increased to 12 companies; that they be given an appropriation for the purpose of defraying the expenses of a yearly encampment; that they be considered in the light of a state and national necessity, and encouraged to perfect their organization till it reaches the highest state of efficiency." 6 Ja 03, p.14-15
- d **Neb.** Savage. "... What is most needed is the removal of statutory obstructions so that another regiment may be organized and equipped." 6 Ja 03, p.21
- e **N. Y.** Odell. "... There have been instances in the state where employers have discharged employees because of their connection with the National Guard, notably in the case resulting from the Brooklyn railroad strike. Certain labor unions now deny their privileges because of membership in the National Guard. This is a blow at constitutional government. The law at present is inadequate to meet this condition, and it should be your duty to correct it by amendment. . . " 7 Ja 03, p.30
- f **U.** Wells. "... I regard as both indispensable and economical the erection of an armory in this city as the headquarters of the National Guard of the state; also an arsenal at some convenient point near by, in which surplus ammunition, explosives etc., may be stored. Provision should be made for the expenses of annual encampments. . . " 13 Ja 03, p.31
- g **U. S.** Roosevelt. "The measure providing for the reorganization of the militia system and for securing the highest efficiency in the National Guard, which has already passed the House, should receive prompt attention and action. It is of great importance that the relation of the National Guard to the militia and volunteer forces of the United States should be defined, and that, in place of our present obsolete laws, a practical and efficient system should be adopted." 2 D 02, p.15

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2394 **Encampment**

- a S. D. Herreid, 6 Ja 03, p.40-41.

2397 **Naval militia**

- a Ct. Chamberlain, 7 Ja 03, p.12.

2405 **Volunteers in Spanish War. Additional pay**

- a Wy. Richards, 13 Ja 03, p.21; back pay for volunteers.

2406 **Pensions and relief**

2408 **State pensions and aid**

- a R. I. Garvin, 6 Ja 03, p.12.  
b Me. Hill. "Two thousand, two hundred and ninety-eight persons in 358 towns, cities and plantations receive state pensions. One thousand two hundred and eighty-three are paid \$2 per month, and only 174 receive over \$4 per month. One thousand two hundred and sixty-seven of these pensioners are invalids, and 926 are widows. . . ." 8 Ja 03, p.19

2409 **State pensions and aid to Confederate veterans**

- a La. Heard, 12 My 02, p.33-34. N. C. Aycock, 7 Ja 03, p.28. S. C. Heyward, 21 Ja 03, p.11. Tenn. McMillin, 12 Ja 03, p.19. Tenn. Frazier, 23 Ja 03, p.23; increase of appropriation recommended.  
b Ga. Candler. "The pension rolls still continue to grow, and unless there is some modification of the pension laws, it will be but a year or two till to meet their demands a million of dollars will be required. This year the appropriation for all classes of pensioners amounted to \$858,000; next year, according to the estimate of the commissioner of pensions, it will be about \$880,000. That there are many names on the rolls which ought not to be there can not be doubted, and some reforms in the pension laws should be made in order to eliminate them. . . ." 22 O 02, p.8

2415 **Soldiers homes**

2416 **General. Establishment. Organization**

- a Col. Orman, 10 Ja 03, p.50-51. Ct. Chamberlain, 7 Ja 03, p.12-13. Ga. Candler, 22 O 02, p.7-8. Id. Morrison, 5 Ja 03, p.12. Kan. Bailey, 13 Ja 03, p.9. La. Heard, 12 My 02, p.32-33. N. C. Aycock, 7 Ja 03, p.28. Or. Geer, 10 Ja 03, p.26. R. I. Garvin, 6 Ja 03, p.12. S. D. Herreid, 6 Ja 03, p.19-20. Tenn. McMillin, 12 Ja 03, p.19. Tex. Sayers, 16 Ja 03, p.17. Wy. Richards, 13 Ja 03, p.10.  
b Neb. Savage. "The maintenance of two separate homes for soldiers and sailors can by no method of reasoning be justified. . . ." 6 Ja 03, p.7-8

2418 **Widows and orphans**

- a Me. Hill, 8 Ja 03, p.24.

2420

**Organizations**

- a **Tex.** Sayers, 16 Ja 03, p.19.

2430

**Local government**

2432

**Municipalities**

The usage of terms designating local bodies varies widely in different states. The word *municipality* is here used throughout in its original and strictest meaning to designate any *densely populated*, incorporated community; thus including cities, villages, boroughs and "towns" (as a name for villages) but not including townships. Where the word *town* is used to designate the primary of the county it is grouped with township government, though in the case of the New England towns the nature of the government approaches more nearly that of a municipality than that of a western township.

In many states, municipalities, specially cities, are divided into classes according to population. As the classification varies widely, the limits of population designated thereby are in these references substituted for the number of the class.

433

**State control of cities. Home rule**

- a **Mass.** Bates, 8 Ja 03, p.30; local home rule.
- b **Cal.** Gage. "I venture to call your attention to a matter which, by reason of its disintegrating tendency, seems to me to be portentous of future probable peril to the local sovereignty of the state. Constitutional amendments, proposing large grants of power, specially to municipalities, have been so often loosely worded by their framers in the Legislature, that after adoption by the people, when judicially construed, it becomes evident that excessive power has been ceded, thereby limiting the sovereign functions of the people. I strongly favor the right of cities and towns to be free from legislative interference in those purely local concerns which are necessary for their maintenance as municipal bodies. I have a most sincere affection for city and town government. . . Laws of a broad and flexible character definitely limited to purely local needs and concerns are both proper and necessary for the growth and welfare of a municipality; but irrepealable, ambiguous constitutional charters are a lurking peril to the supreme interests of the state. The members of the Constitutional Convention of 1878, though having the right idea of preserving municipalities from Legislative interference with their local interests, did not design that the state should suffer by the provisions inserted in the Constitution providing for municipal organization. Yet the gradual addition to the Constitution of incautious constitutional amendments relating to municipal charters has tended to abstract from the necessary power of the state. While moderate decentralization is essential to municipal liberty, immoderate decentralization leads to disintegration. . . I regard this excessive growth of municipal power as a peaceful mode of secession from the state and an unconscious blow against the state's integrity, and, indirectly, an unpatriotic assault on national existence. Municipal leagues exist at the present time throughout the United States whose com-



mon object is the extension of municipal powers, and in consequence the limitation of state power. In view of this massing of opinion toward decentralization, it behooves patriotic legislators to be cautious and conservative in the drafting of constitutional amendments which have for their object the augmentation of municipal power, considering the special provisions of our state Constitution."

5 Ja 03, p.59-62

2437

### Organization. Powers generally

2438

#### General

- a N. Y. Odell. "The charter of the city of New York presents many anomalies and renders difficult the fixing of responsibility where it properly belongs. . . Additional power should be conferred on the mayor, so that he shall be charged with full responsibility as is the case in every other municipality within the state. The conditions in the city of New York relating to the police force, the fire department and other branches of the city government, are of such a character that amendments should be made to the city's charter to correct the evils which exist. . . " 7 Ja 03, p.24-25
- b O. Nash. "During the last days of June the Supreme Court of the state handed down several decisions, which practically deprive our municipal corporations of all government. . . Under the old Constitution, the General Assembly was left free to provide for any city or village such a government as it might wish. As a result they were given special charters, each differing from the other in many important particulars. . . The subject was carefully considered by the convention which made the Constitution of 1851. The result of their labors was art. 13 of that Constitution, § 1 of which provides, 'The General Assembly shall pass no special act conferring corporate powers,' and § 6 of which reads, 'The General Assembly shall provide for the organization of cities and incorporated villages by general laws, and restrict their power of taxation, assessment, borrowing money, contracting debts and loaning their credit, so as to prevent the abuse of such powers.' This command was fairly well obeyed for several years. Then, what seemed to be the wants and demands of the people caused a resort to various modes of classification. These grew to be absurd in their character. . . This transgression of the law of the Constitution could not last forever. . . It has been suggested, by very respectable people, that you can authorize the citizens of municipalities to do something that you can not do yourselves; that you may empower the people of the 800 cities and villages in Ohio to assemble in constitutional conventions, and, each for itself, adopt a charter for its government. The result would be as many schemes for the government of cities and villages as there are municipalities in the state. . . I have devoted much time, thought and study to this subject, have called to my assistance skilled and learned men, and have prepared with their help a bill which contains all the

## ADMINISTRATIVE LAW LOCAL GOVERNMENT

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matters and restrictions which I think should be embraced at this time in a law for the government of our cities and villages. . . "

25 Ag 02, p.3-5

## 2490 County and township government

*See also* specific functions of counties and towns—Roads, Charities, Drainage etc.

### 2491 County organization generally

#### 2498 New counties. Consolidation

- a N. D. White, 8 Ja 03, p.15; organization of new counties.

### 2500 Governing body. Commissioner. Supervisors. Chosen freeholders

#### 2504 Election. District. Vacancies. Number. Term

- a Ari. Brodie, 19 Ja 03, p.10; creation of supervisors districts.

### 2511 County civil service

*See also* Financial officers, 2588

#### 2512 General

- a Mon. Toole. " . . . In my opinion there ought to be a consolidation of certain offices in counties whose assessable valuation does not exceed \$5,000,000. Sheriff and assessor might well be consolidated; likewise district and county clerk, without impairing the public service. . . This system once prevailed in this state; there is no reason why it should not obtain now. . . " 5 Ja 03, p.14

#### 2513 Appointment. Election

- a Ind. Durbin, 8 Ja 03, p.30-31; time of election.

#### 2517 Salaries. Fees

- a O. Nash, 25 Ag 03, p.5.
- b Mon. Toole. "If the present system of classification of counties for the purpose of fixing salaries of county officers is to continue, I suggest that there be a revision of the entire schedule of salaries. . . . The classification as now provided is based entirely on the assessable valuation of property, a method which, in some instances, has tempted county boards of equalization to reduce the entire assessment roll below the actual value of the property, rather than submit to the increase of salaries as well as the number of deputies to which certain officers are entitled by reason of the property valuation of the several counties." 5 Ja 03, p.12-13
- c N. J. Murphy. "I recommend that a law be passed abolishing the fee system in payment of various county officials throughout the state, and fixing their compensation in a suitable salary. . . As to most offices and in all the larger counties, the saving to the

... would amount to very large sums. This is specially so as to the office of sheriff. There is no practical reason why this office should not be salaried; and, when it is stated that this office in many counties yields in fees over \$20,000 a year, the gain to the people is at once apparent. . . "

13 Ja 03, p.67

## Local finance

... financial matters are here placed. Authorization of taxes, assessments, bonds etc. for special municipal purposes—schools, libraries, lights, streets etc. are assigned under these heads. They are however also *indexed* under Taxes etc. Miscellaneous provisions as to assessment and collection of taxes in local bodies are given in addition, as such provisions usually apply to all classes of taxes. See particularly

### Budget. Accounts

#### Examination and audit

Mr. Chamberlain. " . . . A law should be enacted requiring each county courts of the several counties to employ a competent person at least once a year to examine into and report on the books and financial records of the several county officers. This has been done by some of the county courts in the absence of any statute, and such course has had a salutary effect wherever it has been done. . . "

14 Ja 03, p.18

#### Accounts to be kept. Form

Mr. Morrison. "An act was passed by the sixth session of the legislature providing for the keeping of public books of account by certain officers who receive fees. . . There is no penalty provided in the law in question for a failure to comply with its provisions, and it is not generally observed. A slight amendment, imposing a penalty, will suffice to accomplish the desired end and has been passed."

5 Ja 03, p.24

### State supervision. Uniform accounts

Mr. Bates. " . . . Good results have been derived from the present state providing for a uniform system of accounting, when reports are made to the comptroller of county officers. Uniform municipal accounting is but another step in the same direction. I trust you may find it possible to take favorable action along this line. This need not result in the establishment of a new department, but should properly be made a part of the present state auditor's department."

8 Ja 03, p.34

Mr. Bates. " . . . [The auditor general] recommends that he be empowered to appoint one of his office force a state examiner, for the purpose of making an examination of county officers, whenever conditions may require. . . "

8 Ja 03, p.19-20

Mr. Bates. The state examiner. "It is difficult to estimate the value of this office to our state, counties, cities and school

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districts, under the able and thorough administration of his duties by the present incumbent. . . "

13 Ja 03, p.14

588

**Financial officers**594 **County treasurer**

a **Mon. Toole**, 5 Ja 03, p.29; bond.

597

**Debts. Bonds**

*See also* special purposes for which debts are created : Buildings, Street improvements, Parks etc.

a **Ari. Brodie**, 19 Ja 03, p.6.

b **Ari. Brodie**. "I would recommend that all canceled bonds, bonds exchanged for funding bonds and other evidences of indebtedness of the various counties to the territory, be deposited in the office of the auditor, to the end that all such records may be in one place; that proper arrangements be made for their safe-keeping. . . "

19 Ja 03, p.9

598

**Limitation of indebtedness**

a **Ind. Durbin**, 8 Ja 03, p.21-22.

b **Wis. La Follette**. "In view of the increased value of the property, from a more fair and just assessment as well as by material development, it is suggested that a new limitation on city indebtedness—and perhaps on the amount of tax levy permitted by law—may be wisely provided by the Legislature."

15 Ja 03, p.96

2620

**Public works. Public improvements**

2627

**Municipal utilities (general)**

2628

**Franchises (general)**

*See also* location of street railways, 1359

a **Mass. Bates**. " . . . It is claimed, by those who oppose direct payment for franchises, that it is better to exact no payment, but to require, in place thereof, that the money thus saved to the corporation be used in furnishing better facilities to the public, and that, in fact, it is so used. But I am of opinion that the result has been rather to cause either directly or indirectly the capitalization of the value of the franchise in the interests of the stockholders, and to the loss of the public. . . "

8 Ja 03, p.31

b **Neb. Savage**. "I am not in accord with those who seek to remedy the ills of corporate monopoly through the public ownership of public service corporations. . . A manufacturer requires no franchise in order that he may construct and operate his factory. Neither should any public service corporation be required to obtain a franchise, nor should municipalities be vested with power to grant or refuse franchises to public service corporations, nor be clothed with power to license or refuse the public use of public streets for public purposes. The streets are dedicated to the public

and the sovereignty of a municipality over them should never extend to the right to conditionally prohibit their use by the public. . . . It is a fact . . . no well informed person will deny, that the value of municipal franchises is not so much in the right to operate as in the ability to prevent others from operating, thereby creating and maintaining a monopoly the logical fruition of which is arbitrary and often inadequate service with excessive charges accompanying it. It may be contended that this would result in the promotion of irresponsible and designing undertakings, but this can be effectually and amply safeguarded by indemnification and by charter provisions. To guard against the consolidation of competing interests, it is only necessary to stipulate and embody in the charter that the public shall have a proprietary interest, and that the relinquishment of control and ownership shall be a waiver of all rights to occupancy and operation. The people should be compensated in some degree for occupancy of the public streets by public service corporations, and to this end I recommend that a law be enacted requiring the license of all such corporations to operate to be contingent on the payment of a fixed per centum of their gross revenues into the municipal treasury annually. . . ."

6 Ja 03, p.12-13

- c **R. I. Garvin.** "I recommend that ch. 77 of the General Laws, 'Of franchises in highways,' be so amended that no grant or renewal of a franchise shall be made in any city or town except as approved by the qualified voters." 6 Ja 03, p.16

2660

### Sewerage

*See also* Pollution of water, 1079; Drainage, 1191

2661

### Sewerage systems. Construction generally

- a **N. J. Murphy,** 13 Ja 03, p.3-4; Passaic river sewerage.

2700

### Roads. Streets

2701

#### General

- a **Mon. Toole,** 5 Ja 03, p.56-57. **S. C. Heyward,** 21 Ja 03, p.12. **Tex. Lanham,** 21 Ja 03, p.124, House Journal. **W. Va. White,** 14 Ja 03, p.70.
- b **La. Heard.** " . . . My worthy predecessor had given much thought to this important subject, and in his last message, he advised the formation of road districts, somewhat on the plan of the levee districts, including the employment of prisoners in the parish jails. . . . I am led to concur in the conclusions of Governor Foster and to commend the same to your earnest consideration." 12 My 02, p.50
- c **Mich. Bliss.** "The 41st Legislature authorized the creation of a highway commission to devise ways and means for the betterment of the highways of the state. The commission has submitted a

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working plan, which is summarized in the following recommendations: Education along the lines of building and maintaining good roads; an amendment to the Constitution, authorizing state aid in the improvement of public highways, and following favorable action by the people, legislation similar to the system in operation in Vermont, whereby the state assists in defraying the cost of constructing highways built according to standard requirements. . . "

8 Ja 03, p.17

- d N. M. Otero.** "It is a well known fact that the condition of our county roads, with hardly an exception, is lamentably defective. . . All work done or repairs made on roads and bridges should be under the direct supervision of the county surveyor, and no money should be paid on this account except on a certificate from him of the amount and character of the work, and that the party performing the same had actually earned the money and was entitled to pay. . . "

19 Ja 03, p.53

- e S. D. Herreid.** " . . . It is evident that the problem of good roads, while of primary importance to the farmer, is one of tremendous importance to the general public. This fact has been recently recognized by more than half a dozen states where crude laws and antiquated systems of highway improvement have been supplanted with highway commissioners having competent jurisdictions and exercising intelligent supervision over road affairs. . . "

6 Ja 03, p.38

- f Tenn. McMillin.** " . . . It is unfortunate that we have not yet been able to devise a system of road improvement and maintenance which produced such satisfactory results as to make it permanent. Effort should be made by appropriate legislation to bring about this result. . . "

12 Ja 03, p.20

- g Tenn. Frazier.** " . . . Under our system of road building in operation in Tennessee, I am convinced that much money is annually wasted; in fact, we have been, in most parts of the state, doing little more than throwing the road money into mud holes in a fruitless effort to keep the roads in passable repair. . . I submit for your consideration the question as to whether or not it would be advisable to require a certain per cent of the road money raised by taxation to be each year expended in the construction of one or more pieces of good, permanent roadbed. . . "

23 Ja 03, p.15

- h Wis. La Follette.** " . . . Recommendation in the executive message of two years ago, for a thorough investigation and revision of the road laws of the state, with a view to a more economical and more practical expenditure of money and labor already available, is renewed."

15 Ja 03, p.97

702

## State road systems and state aid

- a Ct. Chamberlain,** 7 Ja 03, p.15. **Vt. McCullough,** 3 O 02, p.8.  
**b Del. Hunn.** "One of the most serious subjects that will doubtless come before you for legislation, will be that of improvement

of the public roads. . . The present system (if any we have be called such) is preeminently one of inadequacy and money waste. The methods now employed are antiquated and use being those employed for a century or more ago, with some exceptions, where a superior enterprise of some locality has led the adoption of somewhat more efficient processes and the use of better materials. . . The state should borrow an amount sufficient to construct at once a public highway of macadam from its northernmost to its southernmost boundary. Its construction should be placed in the hands of a skilled and practical expert, with a commission to supervise the work. . . " 6 Ja 03,

- c **Me. Hill.** "One hundred and five towns have taken advantage of the act passed by the last Legislature, which provided for improvement of certain highways designated thereby as state roads. I am convinced that these expenditures have on the whole been wisely and judiciously made, and I believe that the system thus established offers a practical and progressive plan of road improvement, free from many of the objections which have been urged against other methods. . . " 8 Ja 03,

- d **Mass. Bates.** "It is apparent that the main work of the [state highway] commission—the construction of highways—is one which can not be completed for many years, if ever. The public appears to approve of what has been done, and I think desires a continuance of the policy; but the increasing debt for this purpose and the increasing cost of the maintenance of these roads suggest caution and that the time has come when we should look ahead, and should decide what bounds shall be fixed to this expenditure. . . " 8 Ja 03, p.4

- e **Minn. Van Sant.** " . . . I am satisfied that the Legislature should, under the authority given by the constitutional amendment adopted in 1898, provide for a state highway commission and enact the necessary legislation to carry out the provisions of that amendment." 7 Ja 03,

- f **N. H. Bachelder.** " . . . The state has made annual appropriations for mountain roads and has constructed a section of state road near the coast. With these exceptions the roads of the state have been constructed and repaired under local authority and with funds provided by local taxation. . . To whatever extent the financial credit of the state is involved in securing better roads, action should be based on a recognition of the interests of the rural as well as of populous centers, and should require the payment of a just proportion of the cost of the roads by the taxpayers of the locality where roads are constructed, and by the abutting landowners whose property is enhanced. . . " 7 Ja 03, p.1

- g **N. Y. Odell.** "The building of good roads has continued during the past year with gratifying results. So great is the demand for state aid that it will soon become necessary to have recourse to bond issues to meet these increasing obligations. . . " 7 Ja 03,

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- h N. C. Aycock.** "The last General Assembly passed an act authorizing the construction of a turnpike from Wilkesboro, in Wilkes county, to Jefferson, in Ashe county, and directed the state's prison to furnish convicts to the corporation formed for the purpose of constructing said road, the state to take stock in the corporation to the value of the services of the convicts furnished. . . The road, when completed, will be the best in the state. The engineer estimates the total cost of the road at \$40,000. The convict labor will probably amount to twenty-five thousand (\$25,000) dollars. When this road is completed, I have very little doubt that it will be a paying investment, but apart from the pecuniary returns to the state in the way of tolls, the development of the country into which it goes will add materially to the wealth of the state. . . There is another act of the Legislature requiring the penitentiary to furnish convicts and take stock in a turnpike to be constructed from Marion, in McDowell county, to Spruce Pine, in Mitchell county, and from Spruce Pine a road to Burnsville, in Yancey county, and a separate road from Spruce Pine to Bakersville, in Mitchell county. I hope that this act will be permitted to remain on the statute books. I know of no greater work which the state can do than in constructing these roads where it is impossible for them to be built by private enterprise or by county effort. . . " 7 Ja 03, p.42-43
- i Pa. Pennypacker.** "I suggest that the Legislature consider the propriety of imposing a slight tax on some one of her [Pennsylvania] productions, the proceeds to be applied to the betterment of our roads. . . " 20 Ja 03, p.5

1705

**General improvements. Contracts**

2713

**Road taxes and work**2714 **Poll tax and road work**

- a S. D. Herreid.** " . . . In this connection I would recommend the abolition of the primeval custom of 'working out' the poll and road tax. . . I could mention more than one county in the state where for 20 years or more the road tax has been 'worked out,' and the only tangible evidence of this fact consists in huge packages of canceled warrants on the county fund drawn for imaginary services on the part of the district road supervisor. . . " 6 Ja 03, p.39

2722

**Miscellaneous**

2723

**Automobiles**

- a Ct. Chamberlain.** "The speed of automobiles and other vehicles on public highways should be limited by statute law." 7 Ja 03, p.15
- b N. H. Bachelder.** "There is a widespread, earnest, and just feeling that some restrictions or regulations should be put on the use of our public highways by automobiles. . . " 7 Ja 03, p.15
- c N. J. Murphy.** "The increasing use of automobiles, and the record of accident and death caused by them, make it important



that the Legislature should pass a law regulating their use. . . ]  
the interest of the lives and comfort of the community, I ask th  
Legislature to pass a law that will require a suitable examinatio  
to be passed before any one may be allowed to drive an autom  
bile, and that no automobile shall be allowed in this state that  
geared to run at a higher speed than 15 miles an hour. If, becau  
of the construction of certain machines, this is impractical, defini  
speed regulations in such cases might be defined." 13 Ja 03, p.13-

2742

**Trees. Grass plots**

- a **Mass. Bates.** "I believe that the time has come when more a  
tention should be paid to the beautifying of the highways of t  
state, and particularly to the matter of planting trees and shru  
bery. . . " 8 Ja 03, p.

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## Bulletin 86 LEGISLATION 21

### COMPARATIVE SUMMARY AND INDEX OF LEGISLATION 1903

Oct. 1, 1902 to Oct. 1, 1903

EDITED BY  
Robert H. Whitten *Sociology Librarian*

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# New York State Library

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Bulletin 86

LEGISLATION 21

## Comparative Summary and Index

OF

### LEGISLATION 1903

Oct. 1, 1902 to Oct. 1, 1903

EDITED BY

Robert H. Whitten *Sociology Librarian*

#### PREFACE

As a contribution to better organization of material for comparative study of state government and laws the State Library now issues three annual bulletins; *Digest of Governors Messages, Summary and Index of Legislation*, and *Review of Legislation*.

The *Digest of Governors Messages* is a topical digest covering all the states and including related topics in the president's message.

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MELVIL DEWEY

## N. Y. STATE LIBRARY SUMMARY OF LEGISLATION 1903

## EXPLANATIONS

• These must be carefully read to understand the bulletin.

**Scope.** All general permanent laws are included. Private, local and temporary acts, unless of great general interest, are omitted. Many acts, general in form but special in their application, are omitted. Private acts applying to particular persons or granting relief to specific public officers and local acts applying to a single political division or to but a small proportion of the political divisions belonging to the same class are omitted. All general appropriation bills are omitted. Special appropriation acts providing for the establishment of a new institution or making some extraordinary appropriation marking the beginning of a new state policy are included. Laws providing for the general management and control of a particular state institution are included but those relating to some detail in the administration of a particular state institution are omitted. All laws legalizing acts already performed are omitted.

**Method.** Usually but one entry is made for a law. To ascertain what legislation has been passed concerning a subject it is necessary for the reader to refer also to the more inclusive heads and observe carefully the cross references. The change made by a new law is shown, if it is practicable to show it concisely. Italics are used to indicate new matter; matter superseded by the new law is included in brackets.

**Citations.** A citation to an act indexed or summarized is set at the end of the entry. It contains chapter number or page of act or resolution and day and month of approval or passage. In all states except Georgia, Alabama, Illinois, Missouri, Ohio and Oregon the session laws are numbered consecutively. Where this is the case the abbreviation for chapter (ch.) is omitted; e.g. 94, 5 J1. In the six states in which acts are not numbered consecutively the number of page is given preceded by the abbreviation p., e.g. p.471, 9 My 03. If resolutions are printed and numbered separately from the acts the number of the resolution is given preceded by the abbreviation (r., j.r., c.r.)

In North Carolina and Rhode Island where the governor's approval is not necessary, in a number of states where joint and concurrent resolutions do not require the approval of the governor :

## ABBREVIATIONS

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Citations to statutes amended or repealed by the act indexed always begin with the most general part and end with the most specific; e.g. '95 ch.859, §2; '98 p.78; R.S. '96, t.3, art. 10, §3 ¶ 4. For abbreviations used in citing compilations of statutes see page 272.

**Classification.** The classification of the summary is the same as that used in the *Digest of Governors Messages* and will continue unchanged from year to year, except for insertion of new headings necessitated by new subjects of legislation. The numbers assigned to headings will also remain unchanged so that readers can follow recommendations and laws on any subject by looking under the same marginal number in each bulletin. The numbering corresponds to the consecutive numbering of headings in our card index of legislation 1890 to date. Where there is no legislation this subject number is skipped. The entries under each head are alphabetized by states and each entry is designated by a letter or a letter and a numeral; e.g. b, d2.

**Subject index.** This is an alphabetic list of the subjects included. References are to the marginal class and entry numbers.

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## Months

Ja	January	Ap	April	Jul	July	O	October
F	February	My	May	Ag	August	N	November
Mr	March	Je	June	S	September	D	December

## States and territories

Ala.	Alabama	Kan.	Kansas
Ariz.	Arizona	Ky.	Kentucky
Ark.	Arkansas	La.	Louisiana
Cal.	California	Mass.	Massachusetts
Col.	Colorado	Md.	Maryland
Conn.	Connecticut	Me.	Maine
Del.	Delaware	Mich.	Michigan
Fla.	Florida	Minn.	Minnesota
Ga.	Georgia	Miss.	Mississippi
Iowa	Iowa	Mo.	Missouri
Idaho	Idaho	Mont.	Montana
Ill.	Illinois	Neb.	Nebraska
Ind.	Indiana	Nev.	Nevada

## N. Y. STATE LIBRARY SUMMARY OF LEGISLATION 1903

States and territories (*concluded*)

N. C.	North Carolina	S. C.	South Carolina
N. D.	North Dakota	S. D.	South Dakota
N. H.	New Hampshire	Tenn.	Tennessee
N. J.	New Jersey	Tex.	Texas
N. M.	New Mexico	U.	Utah
N. Y.	New York	Va.	Virginia
O.	Ohio	Vt.	Vermont
Okl.	Oklahoma	W. Va.	West Virginia
Or.	Oregon	Wash.	Washington
Pa.	Pennsylvania	Wis.	Wisconsin
R. I.	Rhode Island	Wy.	Wyoming

## Compilations of statutes

Ann. L.	Annotated laws	Crim. S.	Criminal statutes
Ann. S.	Annotated statutes	G. L.	General laws
C.	Code	G. S.	General statutes
C. C.	Civil code	P. C.	Political code
C. C. P.	Code of civil procedure	P. S.	Public statutes
C. L.	Compiled laws	Pen. C.	Penal code
C. P.	Code of procedure	R. C.	Revised code
C. S.	Compiled statutes	R. L.	Revised laws
Crim. C.	Criminal code	R. S.	Revised statutes
Crim. P.	Code of criminal procedure	S.	Statutes

## Acts Resolves

art.	article	pt	part
c. r.	concurrent resolution	r.	resolve
ch.	chapter	subdiv.	subdivision
i. r.	joint resolution	t.	title

## Law reports

A.	Atlantic reporter	S. E.	Southeastern reporter
N. E.	Northeastern reporter	S. W.	Southwestern reporter
N. W.	Northwestern reporter	So.	Southern reporter
P.	Pacific reporter		

STATISTICS OF LEGISLATION OCT. 1, 1902 TO OCT. 1, 1903 *a*

The sessions are biennial in all states and territories except Ga., Mass., N. J., R. I. and S. C. where they are annual and Ala. where they are quadrennial. F of constitutional amendments *see* 34-36; for list of court decisions declaring st unconstitutional *see* 12.

STATES AND TERRITORIES	DATES	Length in days	No. of laws	No. of resolutions	No. of laws and resolutions	N lay re t su r
Arizona.....	19 Ja 03-19 Mr 03	60	93	12	105	
Arkansas.....	12 Ja 03-30 Ap 03	109	217	26	243	
California.....	5 Ja 03-14 Mr 03	69	385	40	425	
Colorado.....	7 Ja 03- 6 Ap 03	90	181	3	184	
(extra).....	20 Jl 03-26 Jl 03	7	1	.....	1	...
Connecticut.....	7 Ja 03-18 Je 03	163	693	4	697	

## STATISTICS

## Statistics of legislation (concluded)

ND RIES	DATES	Length in days	No. of laws	No. of resolutions	No. of laws and resolutions	No. of laws and resolutions summa- rized
.....	6 Ja 03-19 Mr 03	73	230	13	243	82
.....	7 Ap 03- 5 Je 03	60	266	19	285	160
.....	28 O 02-16 D 02	50	212	22	234	25
.....	24 Je 03-12 Ag 03 <sup>b</sup>	50	366	32	398	46
.....	5 Ja 03- 7 Mr 03	62	106	24	130	93
.....	7 Ja 03- 7 My 03	121	210	16	226	125
.....	8 Ja 03- 9 Mr 03	60	248	.....	248	155
.....	13 Ja 03-13 Mr 03	60	544	3	547	156
.....	24 Je 03-26 Je 03	3	54	1	55	12
.....	7 Ja 03-28 Mr 03	81	662	148	810	204
.....	1 S 03- 1 S 03	1	3	.....	3	3
ts	7 Ja 03-26 Je 03	171	485	117	602	143
.....	7 Ja 03-18 Je 03	163	548	11	559	175
.....	6 Ja 03-21 Ap 03	106	412	.....	412	270
.....	7 Ja 03-23 Mr 03	76	207	7	214	139
.....	5 Ja 03- 5 Mr 03	60	184	11	195	124
.....	26 My 03-26 My 03	1	3	1	4	1
.....	6 Ja 03- 8 Ap 03	93	166	.....	166	127
.....	19 Ja 03-17 Mr 03	58	126	24	150	71
hire	7 Ja 03- 2 Ap 03	86	330	.....	330	121
.....	13 Ja 03- 2 Ap 03	80	273	3	276	213
.....	21 Ap 03-21 Ap 03	1	1	.....	1	8
.....	19 Ja 03-19 Mr 03	60	122	25	147	97
.....	1 Ja 03-23 Ap 03	107	645	6	651	178
ina	7 Ja 03- 9 Mr 03	63	1 230	33	1 263	112
ta	6 Ja 03- 6 Mr 03	60	210	4	214	175
.....	25 Ag 02-22 O 02	58	20	13	33	11
.....	13 Ja 03-13 Mr 03	60	35	9	44	33
.....	12 Ja 03-20 F 03	40	173	23	196	117
a	6 Ja 03-20 Ap 03	105	498	51	549	206
d (extra)	2 D 02-12 D 02	11	67	51	118	20
.....	6 Ja 03-17 Ap 03	102	107	88	195	21
na	13 Ja 03-21 F 03	40	172	90	262	62
a	6 Ja 03- 6 Mr 03	60	226	.....	226	155
.....	5 Ja 03-16 Ap 03	102	601	114	715	121
.....	13 Ja 03- 1 Ap 03	79	202	22	224	89
.....	2 Ap 03- 1 My 03	30	13	8	21	6
.....	11 Ja 03-12 Mr 03	61	139	9	148	124
.....	4 O 02-13 D 02	71	370	51	421	126
ra)	15 Jl 02-19 My 03 <sup>c</sup>	.....	319	.....	319	123
.....	12 Ja 03-12 Mr 03	60	189	18	207	143
ia	14 Ja 03-27 F 03	45	80	25	105	51
.....	14 Ja 03-23 My 03	130	451	14	465	234
.....	13 Ja 03-21 F 03	40	111	17	128	95
					14 394	5 406

<sup>a</sup> in Alabama met Jan. 13, adjourned Feb. 28 till Sep. 1 and finally adjourned Oct. 3, received in time for inclusion. <sup>b</sup> Meeting of Legislature changed from fourth October to fourth Wednesday in June. <sup>c</sup> Met July 15, 1902 and adjourned July 1902, again adjourned May 19, 1903 till Nov. 10, 1903.



## N. Y. STATE LIBRARY SUMMARY OF LEGISLATION 1903

Marginal no.	PRINCIPAL HEADINGS
1	LAW (GENERAL)
2	Statutes
4	Time of taking effect
9	Construction of statutes
10	Codification
11	Revision and compilation
12	Statutes declared unconstitutional. JOHN T. FITZPATRICK
13	Uniform laws
15	CONSTITUTIONAL LAW
30	Constitutions. HELEN PAGE BATES
32	Revision
33	Amendment
34	Amendments pending
35	Amendments adopted;
36	Amendments rejected
38	State departments. HELEN PAGE BATES
40	Governor
48	Lieutenant governor
49	Secretary of state
50	Attorney general
51	Other officers and boards
57	Officers and departments created, abolished or reorganized
58	Temporary boards and officers
59	Special investigations
60	State institutions
66	Public documents. Printing
77	Legislature
90	Members of Legislature
95	Internal organization
105	Legislative procedure
113	Sessions
115	Direct legislation
116	Citizenship. Civil and political rights
125	Elections. Political parties
128	Suffrage: qualifications
147	Minority representation
148	Majority or plurality vote
149	Corrupt practices. Election offenses
160	Nominations. Parties
170	Districts. Notices. Days
174	Ballots. Voting
187	Registration
192	Election officers
194	Canvass. Contests
197	Presidential electors
199	CRIMINAL LAW
202	Criminal procedure
203	Apprehension, prosecution, indictment
215	Criminal trials

## PRINCIPAL HEADINGS

inal

- Evidence
- Judgment. Sentence. Execution
- Jury
- Criminal jurisdiction
- Crimes and offenses
  - Crimes against the government
  - Crimes against public order and security
  - Crimes against public morals and the family
  - Crimes against persons
  - Crimes against property
- Corrections. HELEN PAGE BATES
  - Penal institutions
  - Convicts (commitment, management)
  - System of sentencing and reform. Parole. Pardon

## CIVIL LAW

- Property
  - Real property
  - Personal property
  - Liens and mortgages
  - Landlord and tenant
  - Succession
  - Administration of estates
  - Homesteads. Exemption from execution
- Contracts and other obligations
- Torts
- Family
- Corporations
  - Foreign corporations
  - Special classes of business corporations
  - Corporations not for profit
- Industrial combinations and monopolies
- Administration of justice
  - Practice of law
  - Courts
    - Supreme courts
    - Intermediate courts
    - Inferior courts
    - Court officers
  - Civil procedure

## ADMINISTRATIVE LAW

- Officers. Civil service
- Finance. Public property
- Domain. Property
  - Public lands
  - Buildings. Property and supplies
  - Public works
- Taxation (general)
  - Income tax
  - Poll taxes

## N. Y. STATE LIBRARY SUMMARY OF LEGISLATION 1903

Marginal no.	
832	Business taxes. Revenue, license or privilege taxes
833	General
834	Miscellaneous occupations, etc.
835	Tax on deeds and contracts
836	Inheritance tax
838	Court fees
840	Corporation taxes
848	Budget
853	Accounts. Methods generally. Collection of moneys. Warrants
865	Debts. Bonds
868	Deposits and depositories
870	Public order
872	Police
877	Miscellaneous police regulations
879	Amusements
895	Cruelty to children and animals
900	Intoxicating liquors. Narcotics
927	Mob violence
928	Prostitution
929	Sunday observance
930	Public health and safety
932	General supervision
940	State control of medicine
943	License to practise
952	Sale of drugs
955	Adulteration. Imitation. Inspection of articles liable to affect public health
1018	Communicable diseases
1048	Disposition of the dead
1065	Nuisances. Miscellaneous
1090	Public safety
1092	Fires
1099	Buildings. Sanitation and safety
1112	Floods. Life saving
1116	Explosives
1124	Miscellaneous
1143	Communicable diseases of animals
1180	Control of waters
1182	Irrigation. Water rights, power, storage
1191	Drains. Dikes. Levees
1199	Hot springs. Mineral waters
1200	Transportation and communication
1201	General
1203	Rates. Discrimination
1220	Passenger rates. Passes
1238	Race distinction
1240	Miscellaneous. Common carriers
1260	Railways. Car companies. Express
1268	Corporate organization and powers
1280	Public ownership and aid
1285	General supervision and regulation
1313	Public safety, comfort and order

## PRINCIPAL HEADINGS

Marginal  
no.

1336	Street railways. Rapid transit
1376	Express
1383	Canals
1388	Ferries. Fords
1393	Bridges. Tunnels
1410	Telegraph and telephone
1422	Commerce and industry (general)
1424	Weights and measures
1464	Adulterations and imitations. Branding. Inspection
1505	Associations. Exchanges. Speculation
1508	Warehouses. Markets
1530	Regulation and licensing of trades and occupations
1590	Miscellaneous trade regulations
1630	Encouragement of industries
1677	Banking
1678	General
1697	Trust and safe deposit companies
1707	Savings banks
1715	Mortgage, loan and investment companies
1717	Building and loan associations
1727	Pawnbroking
1730	Insurance
1731	General (all classes)
1753	Life and accident insurance
1763	Fire and other casualty
1793	Surety and guaranty companies
1800	Navigation. Waterways
1822	Agriculture
1824	Supervision and encouragement (general)
1834	Associations. Fairs
1842	Horticulture. Diseases and pests
1854	Weeds
1856	Noxious animals. Bounties
1875	Domestic animals
1890	Forestry
1900	Game and fish
1901	General
1909	Game
1913	Big game
1927	Small game
1943	Birds
1959	Fish
1999	Shellfish. Miscellaneous
2020	Mines and mining
2040	Labor. HELEN PAGE BATES
2044	General workshop regulations
2084	Hours
2100	Wages
2112	Employment
2125	Employers liability. Insurance
2130	Unions. Associations

## N. Y. STATE LIBRARY SUMMARY OF LEGISLATION 1903

Marginal  
no.

2134	Labor disputes
2140	Charities. HELEN PAGE BATES
2148	Poor relief
2160	Sick and disabled
2172	Children. Orphans
2184	Deaf and dumb
2185	Blind
2192	Insane
2210	Epileptics
2215	Feeble-minded
2220	Education. Science. Culture
2222	Elementary and secondary education
2223	General systems. Codes
2237	General school finance
2247	Teachers
2267	Attendance
2277	Students. Discipline
2282	Textbooks. Curriculum. General
2287	Branches. Courses
2316	Special kinds of schools
2327	High schools and academies
2330	Higher education
2342	Professional and technical education
2352	Libraries. William F. Vust
2362	History. Records. Memorials
2380	Scientific work. Art
2387	Public worship
2388	Military regulations
2390	Militia. National Guard
2406	Pensions and relief
2415	Soldiers homes
2430	Local government
2432	Municipalities
2490	County and township government
2550	Local finance
2552	Property
2556	Taxes
2575	Budget. Accounts
2597	Debts. Bonds
2600	Deposits and depositories
2602	Fire department
2620	Public works. Public improvements
2621	Local improvements (general)
2627	Municipal utilities (general)
2633	Light. Power. Heat
2648	Water
2660	Sewerage
2677	Parks. Public grounds. Boulevards
2698	Public baths and gymnasiums
2700	Roads. Streets

## LAW (GENERAL)

I-11

## LAW (GENERAL)

## Statutes

## Publication of session laws

- a **Ill.** Secretary of state may reprint session laws, where necessary.  
p.225, 14 My 03
- b **Me.** Secretary of state, on adjournment of each session of Legislature, to prepare tables of amended statutes to be printed in official edition of laws.  
56, 5 Mr 03
- c **Mon.** Prescribing form of publication of session laws.  
17, 24 F 03
- d **N. H.** 1200 [formerly 1000] copies of session laws to be published. Amending P. S. ch.5 §2.  
103, 31 Mr 03
- e **W. Va.** Amending C. ch.16 §20 relating to briefs or syllabuses to be printed at head of chapters of session laws.  
43, 28 F 03

## 6 Publication in newspaper

- a **Fla.** Secretary of state within 60 days of adjournment to furnish copies of general laws other than temporary to county commissioners for publication in newspapers; state to pay \$100 compensation.  
94, 4 Je 03
- b **Me.** Newspaper publishers of session laws to receive \$10 and \$2 [formerly \$1] for every 100 copies distributed to subscribers within state.  
172, 26 Mr 03
- c **Mich.** Repealing C. L. '97 §58 providing for payment for newspaper publication of session laws.  
2, 26 F 03

## 8 Indexes

- a **N. C.** Secretary of state to appoint assistant to index session laws: term 2 years; salary \$500. Repealing '01 ch.27. 3, 14 Ja 03

## 9 Construction of statutes

- a **Cal.** Amending C. C. P. §17 relating to definition of certain words used in C. C. P: county; signature; section; affinity.  
123, 13 Mr 03
- b **Cal.** Amending C. C. §14 relating to definition of certain words used in C. C.: county; writing; testify; depose.  
281, 25 Mr 03
- c **Vt.** Amending statutory construction law S. '94 §23, relative to notice by publication in newspaper.  
1, 18 N 02

## 11 Revision and compilation

- a **Ari.** Correcting certain errors and omissions in R. S. '01.  
90, 19 Mr 03
- b **Ark.** Providing for publication of digest of statute laws, to be ready Jan. 1, 1905.  
204, 20 My 03
- c **Cal.** Governor to appoint commissioner for revision and reform of law; duties; salary; [replacing board of 3 commissioners created by '95 ch.222].  
362, 25 Mr 03

- d **Cal.** Submitting amendment to Constitution art.4 b  
§24½: Legislature may amend, revise and reenact, as a w  
of existing codes once in 12 years. *Note November 1904.*  
p.742,
- e **Ct.** Adopting Revision of 1902 of general statutes of  
15
- f **Fla.** Governor to appoint 3 commissioners to revise  
regulations; compensation; to present revision to Legis  
1905; \$2500. 16
- g **Ind.** Statutory Revision Commission consisting of 2 la  
pointed by governor and secretary of state to revise co  
municipal, road, drainage and other statutes; work to be  
by December 1904; report to Legislature of 1905. 212
- h **Me.** Providing for revision and consolidation of publi  
state. 2.
- i **Me.** Repealing acts consolidated in Revised Statutes c  
2.
- j **Me.** Designating members of joint legislative com  
supervise revision of public laws. Supplementing 'or r.2:  
r.22
- k **Me.** Providing for publication of 4000 copies of Revised  
for state use; distribution; sale. r.148,
- l **Minn.** Extending term of Statutory Revision Commissio  
1, 1904 [formerly 1902]; limitation of expenditure al  
\$50,000 additional appropriation. Amending 'or ch.24t.  
157
- m **Neb.** Authorizing publication of official statutes. 124
- n **N. H.** Governor and Council may authorize publicati  
prints from laws. Amending '95 ch.32 §2. 117
- p **N. J.** Continuing another year commission appointed  
general laws not heretofore codified. Supplementing 'or  
232
- q **N. C.** Designating 3 commissioners to compile and revi  
statute laws; to submit revision to Legislature of 1905; sal  
each, limited to 2 years. 314
- r **Okl.** Making Wilson's Statutes of 1903 official edition c  
territory. 32,
- s **S. D.** Repealing laws superseded by Revised Codes of  
1903
- t **S. D.** Commissioners appointed under 'or ch.183 to ec  
and publish Revised Codes of 1903; \$6500. 203, 13 F; 204
- u **S. D.** Providing for putting in force and for constructi  
Codes of 1903. 203
- v **Wy.** Amending R. S. '99 §2718 providing for sale of  
Statutes of 1899 by secretary of state at \$3 [formerly \$7] :  
12

## LAW (GENERAL)

**Statutes declared unconstitutional**

## JOHN T. FITZPATRICK OF THE ALBANY BAR

Includes only decisions by highest court of state or United States Supreme Court. Entries under this head are also duplicated under the specific subject of the law declared unconstitutional.

**Cal.** Authorizing notaries public to punish witness for contempt. C. C. P. §1991. *Unconstitutional*. Confers judicial powers on administrative officer. *Burns v. Superior Court of City and County of San Francisco*, 73 P. 597.

**Cal.** Exacting bond from building contractors for protection of material men. C. C. P. §1203. *Unconstitutional*. Discrimination on right to contract. *Shaughnessy v. American Surety Co.*, 71 P. 701.

**Cal.** Authorizing set-off of benefits where property is condemned. C. C. P. §1248. *Unconstitutional*. Unequal operation; compensation must be "in money." *Beveridge v. Lewis*, 70 P. 1083.

**Fla.** Requiring counties to provide armories for militia companies. 23 §27, 3 Je 99. *Unconstitutional*. Militia a state charge. *State v. Dickenson*, 33 S. 514.

**Fla.** Providing for writs of error returnable to Supreme Court. 36, 15 My 01. *Unconstitutional* as to habeas corpus proceedings. No provision in Constitution for appeal in such cases. *Ex parte Cox*, 33 S. 509.

**Ill.** Exempting from provisions of antitrust law combinations of firms for maintaining wages. p.298, 10 Je 97. *Unconstitutional*. Unlawful discrimination. *People v. Butler St. Foundry & Iron Co.*, 66 N. E. 349.

**Ill.** Creating free employment offices; superintendent and assistants to be paid from unappropriated money in treasury; names or lists of employees not to be furnished to employers whose employees are on strike or locked out. p.268, 11 Ap 99. *Unconstitutional*. Deprives of right of contract and equal protection of laws; appropriation for salaries of public officers can not be joined with other matters. *Matthews v. People*, 67 N. E. 28.

**h Ind.** Amending R. S. '81 §525 concerning trial by jury. 160, 9 Mr 91. *Unconstitutional*. Fails to set forth at length section amended. *Mankin v. Pennsylvania Co.*, 67 N. E. 229.

**i Ind.** Providing for weekly payments of wages; prohibiting fines against wages; regulating changes in wages; penalties. 124, 28 F 99. *Unconstitutional* as to weekly payments. Infringes right of contract and deprives of property without due process of law. *Republic Iron & Steel Co. v. State*, 66 N. E. 1005.

**j Ind.** Fixing minimum rate of wages on public work. 122, 9 Mr 01. *Unconstitutional*. Deprives of property without due process of law; class legislation. *Street v. Varney Electrical Supply Co.*, 66 N. E. 895.

**k Ind.** Providing for extension of time for filing bill where attempt was made to comply with '99 ch.169, since declared uncon-



N. Y. STATE LIBRARY SUMMARY OF LEGISLATION 1903

- stitutional. 222, 11 Mr 01. *Unconstitutional*. Legislative encroachments on judiciary; violates contracts of record. Johnson v Gehbauer, 64 N. E. 855.
- l **Ind.** Checks issued by merchants for assignment of miners' wages to be redeemable in cash. 237, 11 Mr 01. *Unconstitutional*. Class legislation. Dixon v. Poe, 65 N. E. 518.
- m **Kan.** Defining public stock yards, regulating charges and requiring reports. 240, 3 Mr 97. *Unconstitutional*. Applies to one company only; denies equal protection of laws. Cotting v. Kansas City Stock Yards Co., 183 U. S. 79.
- n **Kan.** Licensing peddlers. 271, 2 Mr 01. *Unconstitutional* as to tax imposed on nonresidents and not on residents. Citizens of each state entitled to privileges of citizens in the several states. In re Jarvis, 71 P. 576.
- p **Kan.** Prohibiting resale of property sold under execution, on inferior lien. G. S. '01 §4949. *Unconstitutional* as to liens prior to passage of act. Impairs obligation of contract. Shrigley v. Black, 71 P. 301.
- q **Ky.** Prohibiting common carriers charging more for short than long haul. Const. §218. *Unconstitutional* as far as affecting interstate commerce. Louisville & Nashville R. R. Co. v. Eubank, 184 U. S. 27.
- r **Me.** Licensing hawkers and peddlers; those paying \$25 taxes on stock exempt. 277, 22 Mr 01. *Unconstitutional*. Denies equal protection of law. State v. Mitchell, 53 A. 887.
- s **Mich.** Permitting condemning of land for navigable waterway, with appurtenant water power which may be for private purposes. C. L. §6814 subdiv. 6. *Unconstitutional*. Taking property for private purposes. Berrien Springs Water Power Co. v. Berrien Circuit Judge, 94 N. W. 379.
- t **Minn.** Providing service of process on nonresidents; where he owns business in state may be made on agent. 278, 13 Ap 01. *Unconstitutional* as to service on agent. Not due process of law. Cabanne v. Graf, 92 N. W. 461.
- u **Miss.** Requiring residence of 1 year prior to registration to vote in municipality. C. '92 §3028. *Unconstitutional*. Constitution requires residence prior to election only. State v. Kelly, 32 S. 909.
- v **Miss.** Increasing liability of employers for injuries to employees. 66, 31 Ja 98. *Unconstitutional*. Denies equal protection of laws. Ballard v. Mississippi Cotton Oil Co., 34 S. 533.
- w **Mo.** General road law to apply to counties under township organization. p.222 §5, 23 Mr 93. *Unconstitutional*. Contains more than one subject. Shively v. Lankford, 74 S. W. 835.
- w1 **Mo.** Prohibiting husband from alienating homestead. p.185, 9 Ap 95. *Unconstitutional* as to then existing homesteads. Retrospective. Gladney v. Sydnor, 72 S. W. 554.
- w2 **Mo.** Prohibiting use of unhealthy substances in manufacture of articles of food. p.170, 11 My 99. *Unconstitutional* as far as apply-

## LAW (GENERAL)

- ing to sellers not manufacturers; subject not included in title. *State v. Great Western Coffee & Tea Co.*, 71 S. W. 1011.
- 73 **Mo.** Providing for inspection of beer; fee to be paid by manufacturers; manufacturers for export exempt. R. S. '99 §7682-97. *Unconstitutional*. Tax unequal and not on cash valuation; denies equal protection of laws. *State v. Eby*, 71 S. W. 52.
- 4 **Mo.** Taxing distilled liquors; alcohol, domestic wine sold on maker's premises and liquors manufactured for export exempted; special tax on imported liquors. p.226, 17 Ap 01. *Unconstitutional*. Revenue measure not uniform in operation; tax not levied in proportion to value; exempt articles not enumerated in Constitution; denies equal protection of laws. *State v. Bengsch*, 70 S. W. 710.
- 5 **Mon.** Providing tax on excess of premiums of insurance corporations; no other taxation except on real estate and fees. C. C. §681. *Unconstitutional* as to exemption from taxation. Legislature can not relinquish power to tax corporations. *Northwestern Mut. Life Ins. Co. v. Lewis and Clarke County*, 72 P. 982.
- 5 **Mon.** Directing Supreme Court to substitute another district judge, on petition, where impartial trial can not be had. 42, 2 Mr 03. *Unconstitutional*. Attempt to extend jurisdiction of Supreme Court. *In re Weston*, 72 P. 512.
- 7 **Neb.** Taxing costs against complainant in minor offenses in event of failure of prosecution. Crim. P. §322. *Unconstitutional*. Deprives of property without due process of law. *Rickley v. State*, 91 N. W. 867.
- 8 **Neb.** County board to appoint clerk of district court in counties of 8000. C. S. §2908a-b. *Unconstitutional*. Did not receive constitutional majority in House of Representatives. *State v. Davis*, 92 N. W. 740.
- x **N. J.** Incorporating freeholders of counties; majority vote to elect freeholders except in counties of first class. 170, 24 Mr 99. *Unconstitutional* as to majority vote. Special legislation. *Otis v. Lane*, 54 A. 442.
- x1 **N. Y.** Misdemeanor for contractor on public work to require more than 8 hours for day's labor. P. C. 384h subdiv.1 *Unconstitutional*. Not valid police regulation, having no relation to public health; arbitrary distinction between public and private contractors, denying equal protection of laws. *People v. Orange County Road Construction Co.*, 67 N.E. 129.
- x2 **N. Y.** Permitting court to modify judgments of alimony heretofore or hereafter rendered. 742, 2 My 00. *Unconstitutional* as to judgments rendered heretofore. Deprives of property without due process of law. *Livingston v. Livingston*, 66 N. E. 123.
- x3 **N. D.** Providing additional attorneys fees against plaintiff in actions to enjoin drainage proceedings. 25, 8 Mr 01. *Unconstitutional*. Subject not included in title. *Erickson v. Cass County*, 92 N. W. 841.

## N. Y. STATE LIBRARY SUMMARY OF LEGISLATION 1903

- x4 O. Requiring railroad companies to maintain drainage ditches. R. S. §3342-46. *Unconstitutional*. Takes private property without due process of law. *Chicago & Erie R. R. Co. v. Keith*, 65 N. E. 1020.
- x5 O. Enabling cemeteries to secure land for entrances. p.153, 6 Ap 93. *Unconstitutional*. Does not provide for appeal from decision of commissioners. *King v. Greenwood Cemetery Association*, 65 N. E. 882.
- x6 O. Limiting the hours of labor on public contracts. p.357, 16 Ap 00. *Unconstitutional*. Impairs obligation of contract. *City of Cleveland v. Clements Bros. Construction Co.*, 65 N. E. 885.
- x7 Or. Amending C. & G. L. '92 §711 relating to competence of witnesses. p.134, 21 F 93. *Unconstitutional*. Subject not included in title. *Hearn v. Louttit*, 72 P. 132.
- x8 Or. Authorizing use of unnavigable streams as highways for logging. p.266, 27 F 01. *Unconstitutional*. Title too comprehensive. *Spaulding Logging Co. v. Independence Imp. Co.*, 71 P. 132.
- y Pa. Providing for support of needy, sick and injured and burial of indigent persons. 266, 6 Je 93. *Unconstitutional*. Subject not included in title. *Dailey v. Potter County*, 53 A. 498.
- y1 S. C. Prohibiting obstruction of running streams in certain counties; penalty for failure to remove. 253, 19 F 00. *Unconstitutional*. Special legislation. *State v. Hammond*, 44 S. E. 797.
- y2 S. D. Fixing salaries of Supreme Court judges at \$3000; Circuit Court judges at \$2500, except in circuits of less than 5000 sq. m. and 54,000 population. 110, 1 F 01. *Unconstitutional* as to exception. Unauthorized. *Bennett v. State*, 93 N. W. 643.
- y3 Tenn. Amending '91 ch.52 so as to include street railways. 43, 11 F 03. *Unconstitutional*. Does not recite caption or substance of law amended. *Memphis Street Railway Co. v. State*, 75 S. W. 730.
- y4 Tex. Prescribing punishment for giving prescriptions in local option territory, except physicians in case of sickness known by personal examination. P. C. art. 405. *Unconstitutional*. Legislature exceeded local option provision of Constitution. *Stephens v. State*, 73 S. W. 1056.
- y5 Vt. Licensing peddlers; veterans of Civil War exempt. S. §4732-33. *Unconstitutional*. Denies equal protection of laws. *State v. Shedroi*, 54 A. 1081.
- y6 Va. Prohibiting use of trading stamps. 406, 19 F 98. *Unconstitutional*. Deprives of personal liberty. *Young v. Commonwealth*, 45 S. E. 327.
- y7 Wash. Giving lien on foreign vessels to laborers and material men. Ann. C. & S. '97 §5953-54. *Unconstitutional*. Interferes with admiralty jurisdiction of United States. *The Roanoke*, 189 U. S. 185.
- y8 W. Va. Fixing 3 year limitation to recover land leased for oil or other minerals. 61, 25 Mr 73. *Unconstitutional*. Subject not included in title. *McNeeley v. South Penn. Oil Co.*, 44 S. E. 508.

## CONSTITUTIONAL LAW

12-1

- 21 Wis.** Prohibiting waste of water by owner of artesian well. 354, 13 My 01. *Unconstitutional*. Not valid exercise of police power. *Huber v. Merkel*, 94 N. W. 354.
- 22 Wis.** To reimburse holders of county orders issued under '95 ch.203, since declared invalid. 468, 13 My 01. *Unconstitutional*. Tax for private purposes. *State v. Froehlich*, 94 N. W. 50.

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## Uniform laws

*See also* Negotiable instruments, 464

- a Ari.** Reenacting '97 ch.32 providing for appointment of Commission to Promote Uniformity of Legislation in United States; report to Legislature of 1905. 6, 28 F 03
- b Mass.** Commissioners on Fisheries and Game may call convention of fish and game commissioners of lobster-producing states and British provinces to meet at Boston in 1903 and make recommendations as to uniform legislation for preservation of lobster and for like purposes; \$200. 348, 15 My 03
- c Va.** Establishing permanent Commission for Promotion of Uniformity of Legislation in United States; governor to appoint 3 commissioners; term 2 years; powers and duties; [previous laws provided only for temporary commissions]. 109, 28 Mr 03

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## CONSTITUTIONAL LAW

This and Administrative law, 750, make up what is commonly known as the Political Code.

16

## Capital

- a S. D.** Submitting amendment to Constitution art.20 §1, 2 locating permanent seat of government at Mitchell. *Vote November 1904*. 98, '03

17

## Boundary. Jurisdiction

- a Del.** Joint committee of 3 senators and 3 representatives to be appointed to advise with attorney general and counsel as to termination of boundary controversy with New Jersey pending in Supreme Court; 5 designated commissioners appointed to frame compact for submission to respective Legislatures. 472, 23 F; 473, 9 Ap 03
- b Neb.** Governor to appoint 3 commissioners to confer with South Dakota commission on boundary line; term to expire by January 1905; proviso; report to governor; \$1000. 111, 8 Ap 03
- c Neb.** Governor to appoint 3 commissioners to confer with Iowa commission on boundary line; term to expire by January 1905; proviso; report to governor; \$1000. 112, 8 Ap 03
- d Nev.** Designating boundary of Nevada from Lake Tahoe southward, as established by United States Coast and Geodetic Survey and recognized by California. 15, 27 F 03
- e N. J.** Designating members of New Jersey commission to confer with Delaware commission regarding boundary line, and respective rights in Delaware river. p.39. 5 Mr 03

- f **N. J.** Ratifying compact between New Jersey and Delaware relating to their respective jurisdiction over Delaware river. 243, 8 Ap 03
- g **S. D.** Governor to appoint 3 commissioners to confer with similar Nebraska commission to fix boundary line between states; \$1000. 16, 9 Mr 03
- h **Tenn.** Commission of 3 members to be appointed by governor to confer with Arkansas commission on boundary line; to relocate points where channel of Mississippi river had been changed; report to Legislature of 1905. 420, 15 Ap 03
- i **Tex.** Governor to appoint commissioner to act with United States commissioner in marking western boundary line between Texas and New Mexico and northern line between Texas and Oklahoma. Ex. sess. 7, 30 Ap 03
- j **U.** Governor to appoint 2 commissioners to negotiate with Arizona regarding annexation to Utah of territory north of Colorado river. 2, 4 F 03
- k **U.** Petitioning Congress to enact legislation necessary for annexation to Utah of portion of Arizona lying north of Colorado river. p.203, 28 F 04
- l **Vt.** Commissioner to be appointed by governor to act with state engineer and surveyor of New York to replace boundary line monuments between the states; report to governor. 163, 4 D 04
- 18 **Cessions to United States**
- a **Ark.** Granting consent to United States to purchase sites for public buildings, and ceding jurisdiction over such property. 180, 29 Ap 04
- b **Me.** Ceding jurisdiction to United States over lands acquired for public purposes. 183, 28 Mr 04
- c **Minn.** United States government may purchase sites for light-houses and other public purposes. Amending S. '94 §4707. 118, 3 Ap 04
- d **R. I.** United States may purchase lands for erection of post-offices and for construction of cable lines, landing places, terminal stations for weather bureau purposes, naval stations, coal depots, piers and wharves for naval uses. Amending '96 ch.330 §1. 1091, 19 Mr; 1099, 16 Ap 04
- e **U.** United States to have jurisdiction over sites of federal buildings. 14, 20 F 04
- f **Wis.** Ceding to United States jurisdiction over lands required for sites of public buildings; exemption from taxation. 170, 6 My 04

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## Statistics

*See also Agricultural statistics, 1132; vital statistics, 938*

20

## Bureaus of statistics

*See also Labor bureaus, 2041*

- a **R. I.** Amending G. L. ch.70 §3 permitting state commissioner of industrial statistics to employ assistants [formerly consent of governor was required]. 1105, 17 Ap 04

## CONSTITUTIONAL LAW CONSTITUTIONS

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- b **U.** Misdemeanor to refuse to furnish information necessary for work of Bureau of Statistics; agricultural, industrial and mining statistics. Amending 'or ch.55 §7-9. 88, 12 Mr 03

21

**Census***See also School census, 2274*

- a **Ark.** Council of city or town desiring to become city of first or second class may take census. 46, 2 Mr 03
- b **Fla.** Council of town or city may provide for taking of census. 86, 30 My 03
- c **N. J.** Cities may provide for census on proof that last national or state census was incorrect. 139, 7 Ap 03
- d **N. J.** Reclassification of males for state census purposes. Supplementing G. S. '95 p.365 §5. 22, 8 Ap 03

22 **State coat of arms, name, seal, flag, flower, song**25 **Flower**

- a **Cal.** Designating golden poppy as state flower of California. 69, 2 Mr 03
- b **Kan.** Designating helianthus (wild sunflower) as state flower. 479, 12 Mr 03
- c **S. D.** State floral emblem to be pasque flower with motto "I lead." 219, 5 Mr 03
- d **W. Va.** Adopting rhododendron as state flower. j.r. 8, 23 Ja 03

27 **Seal and arms**

- a **Mass.** Forbidding use of arms or great seal of state for advertising or commercial purposes. 195, 6 Ap 03
- b **Or.** Amending Ann. C. & S. '02 §2406 modifying inscription on state seal. p.172, 24 F 03

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**Constitutions**

BY HELEN PAGE BATES PH.D.

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**Revision**

- a **Ct.** Referring to Legislature of 1905 constitutional amendment in form of a revision of Constitution. 14p. p.208, 2 Je 03
- b **Id.** Submitting question whether constitutional convention shall be called to revise Constitution. *Note November 1904.* p.456, 4 Mr 03
- c **Mich.** Submitting to voters question of calling convention to revise Constitution; regulations. *Note November 1904.* 32, 16 Ap 03
- d **Neb.** Submitting to electors question of constitutional convention to revise Constitution. *Note November 1904.* 165, 9 Ap 03
- e **N. H.** A constitutional convention met in December 1902 and submitted to the people, at an election in March 1903, 10 amendments, of which 4 were adopted and 6 rejected. *See below.* 35, 36.

33

**Amendment**

- a **Mass.** Referring to Legislature of 1904 constitutional amendment adding article: any constitutional amendment proposed by 50,000 voters (not over 25,000 from 1 county), approved by 15

senators and majority of representatives, shall be submitted to the people at next state election; if approved by majority of the people, it shall be resubmitted to people at next state election; if approved by two thirds vote to become part of Constitution; rejected a third time, it may not be proposed again for 3 years. p.5

- b Nev. Amending '91 ch.40 §10 relating to publication of constitutional amendments. 107,

### 34 Amendments pending

Amendments acted on during current year are duplicated under the subject to which they pertain. This list includes all pending amendments which were introduced during the current or previous years.

- a Ark. Submitting amendment to Constitution art.7 §3: Court to consist of chief justice and 5 [formerly 4] justices; court to sit in 2 divisions; transfer of causes from one division to court. *Vote November 1904.* p.482,
- a1 Ark. Submitting constitutional amendment by adding prohibiting loan of credit by state or local division and issue of bonds by local divisions. *Vote November 1904.* p.484
- a2 Cal. Submitting amendment to Constitution art.9, §12: property of California Academy of Sciences exempt from taxation. *Vote November 1904.* p.59
- a3 Cal. Submitting amendment to Constitution art.13, §10½: personal property of every householder to the amount of \$100 exempt from taxation. *Vote November 1904.* p.68
- a4 Cal. Submitting amendment to Constitution art.13, §11½: ships or shipping engaged in foreign or domestic trade or in fisheries exempt from taxation. *Vote November 1904.* p.734
- a5 Cal. Submitting amendment to Constitution art.4 §2, 2 of the Legislature to begin in *February* [formerly January]; no bill may not be allowed for more than 80 [formerly 60] days; no bill may not be introduced in either house 60 [formerly 50] days before commencement of session without two thirds vote; each member to have private secretary of his own selection; number of employees. *Vote November 1904.* p.736,
- a6 Cal. Submitting amendments to Constitution art.6, re judiciary: dividing state into 3 judicial districts, each presided over by District Court of Appeals, consisting of 3 justices; jurisdiction over certain cases hitherto under jurisdiction of Supreme Court; cases pending before Supreme Court may be transferred to District Court of Appeals; election of justices; salaries; Supreme Court Commission abolished. *Vote November 1904.* p.737.
- a7 Cal. Submitting amendment to Constitution art.4, §24½: Legislature may amend, revise, and reenact, as a whole or in part, any act or resolution of existing codes once in 12 years. *Vote November 1904.* p.742,

## CONSTITUTIONAL LAW CONSTITUTIONS

- a8 Col. Submitting amendment to Constitution art.6 §5-8 relative to Supreme Court: election, term and number of judges; departments. *Vote November 1904.* 73, 6 Ap 03
- b Col. Submitting amendment to Constitution art.10 §3 relating to exemptions from taxation; repealing provision relating to special assessments; exemption of personal property. *Vote November 1904.* 74, 8 Ap 03
- b1 Ct. Referring to Legislature of 1905 constitutional amendment prohibiting governor or Legislature from appointing during session any member to remunerative office; United States senator and notary public excepted. p.207, 20 My 03
- b2 Ct. Referring to Legislature of 1905 constitutional amendment permitting towns to hold annual or biennial elections. p.207, 20 My 03
- b3 Ct. Referring to Legislature of 1905 constitutional amendment authorizing use of voting machines in elections. p.207, 20 My 03
- b4 Ct. Referring to Legislature of 1905 constitutional amendment in form of a revision of Constitution. 14p. p.208, 2 Je 03
- b5 Del. Referring to Legislature of 1905 amendment to Constitution art.9 §3, 6 relating to corporations: stock of domestic corporations owned by persons or corporations without state to be exempt from taxation; removing restriction as to valuation of labor or property taken in payment of stock; repealing provision relative to voting of stockholders. 254, 17 Mr 03
- b6 Fla. Submitting amendment to Constitution art.8 §6: term of county assessor, collector and treasurer to be 4 years after 1906. *Vote November 1904.* p.636, 30 Ap 03
- b7 Fla. Submitting amendment to Constitution art.12 §8: counties to levy annual school tax of 3 to 7 [formerly 5] mills. *Vote November 1904.* p.637, 13 My 03
- b8 Fla. Submitting amendment to Constitution art.5 §18: judge of county courts to be attorney at law. *Vote November 1904.* p.637, '03
- c Fla. Submitting amendment to Constitution art.9 §10: Legislature may authorize municipal corporations to exempt manufacturing enterprises from taxation, not exceeding 15 years. *Vote November 1904.* p.638, '03
- c1 Fla. Submitting amendment to Constitution art.16 §6: *opinion* [formerly decision] of Supreme Court to be filed before judgment takes effect. *Vote November 1904.* p.639, '03
- c2 Fla. Submitting amendments to Constitution art.5 §1, 5, 11, 24-29, 31, 32 relating to judiciary department: Legislature on petition of majority of voters of county to establish county court of record, replacing previous county court and criminal courts; appointment of judge and prosecuting attorney; jurisdiction; abolition of court; rules of practice. *Vote November 1904.* p.639, '03
- c3 Fla. Submitting amendment to Constitution art.3 §20, 24 prohibiting Legislature from passing special or local laws; exceptions: Legislature to divide municipalities into 4 classes and provide uni-



N. Y. STATE LIBRARY SUMMARY OF LEGISLATION 1903

- form government for each class. Repealing art.8 §8. *Vote November 1904.* p.643, 1
- c4 Ga.** Submitting amendment to Constitution art.7 §1 by adding ¶ 2: Legislature may levy annual ad valorem tax on property not to exceed 5 mills. *Vote October 1904.* p.21, 17 Ag C
- c5 Ga.** Submitting amendment to Constitution art.8 §4 ¶ 1: counties [formerly on recommendation of 2 grand juries], *militia districts*, *school districts* and municipal corporations may be authorized to maintain public schools by local taxation, on two thirds vote [formerly of qualified voters] of persons voting at special election therefor. *Vote October 1904.* p.23, 17 Ag C
- c6 Id.** Submitting amendment to Constitution art.6 §5: inmates of soldiers home to vote in county where home is situated. *Vote November 1904.* p.449, 11 F C
- c7 Id.** Submitting amendment to Constitution art.18, §10: term of office of county commissioners to be 4 [formerly 2] years; biennial elections. *Vote November 1904.* p.450, 28 F C
- c8 Id.** Submitting amendment to Constitution art.18, §4: new counties may not be established except by vote of majority of electors in territory proposed to be included. *Vote November 1904.* p.455, 7 Mr C
- d Ill.** Submitting amendment to Constitution art.4 by adding §3: Legislature may pass special laws for the reorganization of Chicago government, subject to approval by vote of people. *Vote November 1904.* p.358, 22 Ap
- d1 Ia.** Referring to Legislature of 1904 amendment to Constitution art.3 §34-36 relative to number of senators and representative and basis of apportionment: 108 [formerly 100] representative ratio fixed by Legislature by dividing population of latest census by number of counties, each county to be representative district; counties having *three fifths* [formerly one half] population in excess of ratio to have 2d representative; 50 senators. p.198, 5 Ap
- d2 Ia.** Referring to Legislature of 1904 amendment to Constitution art.12 §16: general elections to be held in November 1906 and biennially thereafter; Legislature to meet in January 1907 and biennially thereafter; [Legislature now meets in even years and a general election is held annually]. p.199, 25 Mr
- d3 Kan.** Submitting to people amendment to Constitution, art.2 §1: governor may veto items of appropriation bill. *Vote November 1904.* p.545, 21 F
- d4 Mass.** Referring to Legislature of 1904 constitutional amendment adding article: any constitutional amendment proposed by 50,000 voters (but 25,000 from any one county), approved by senators and majority of representatives, shall be submitted to people at next general election; on approval by majority of vote to be resubmitted to people at succeeding state election, and if approved by two thirds vote, to become part of Constitution; rejected amendment may not be proposed again for 3 years. p.583, 5 Je

## CONSTITUTIONAL LAW CONSTITUTIONS

- 5 **Mich.** Submitting amendment to Constitution art.4 by repealing §28 limiting introduction of new bills to first 50 days of session. *Vote November 1904.* p. 427, '03
- 36 **Minn.** Submitting amendment to Constitution art.8 §6: permanent school and university funds may be invested in indebtedness of localities unless bonds purchased make bonded indebtedness exceed 15% [formerly 7%] of assessed valuation. *Vote November 1904.* 25, 3 Mr 03
- d7 **Minn.** Submitting amendment to Constitution art.1 §7: no person may be held to answer for criminal offense *without due process of law* [formerly, unless indicted by grand jury, except in cases of impeachment, cases cognizable before justices of peace, or arising in army or navy or in militia in active service]. *Vote November 1904.* 269, 18 Ap 03
- d8 **Miss.** Submitting constitutional amendment requiring poll tax to be kept as school fund in counties where collected; repealing provision requiring it to be apportioned to school districts in proportion to number of children. *Adopted November 1900 but not yet inserted by resolution of Legislature, as required by Constitution.* 201, 6 Mr 00
- e **Miss.** Submitting constitutional amendment relative to apportionment of senators and representatives. *Adopted November 1900 but not yet inserted by resolution of Legislature, as required by Constitution.* 202, 8 Mr 00
- e1 **Mo.** Submitting amendment to Constitution art.10, by adding §27: annual tax of  $\frac{1}{2}$  mill to be levied to supply schools with free textbooks. *Vote November 1904.* p.281, '03
- e2 **Mo.** Submitting amendment to Constitution art.12 §24: anti-pass provisions omitted; transportation companies to give passes to lieutenant governor, designated state officials and judges, legislators, sheriffs and superintendents of state institutions; penalties. *Vote November 1904.* p.283, '03
- 3 **Mo.** Submitting amendment to Constitution art.10 adding section authorizing  $\frac{1}{2}$  mill tax for 5 years for erection of new state capitol. *Vote November 1904.* p.284, '03
- 4 **Mo.** Submitting amendment to Constitution art.4 §47: Legislature may authorize cities of 100,000 to provide pensions for disabled and superannuated policemen and relief for their widows and minor children. *Vote November 1904.* p.279, '03
- 5 **Mo.** Submitting amendment to Constitution art.4 §1 relating to legislation: legislative power inherent in electors or municipal divisions, subject to general laws; referendum may be demanded by 10% of voters of each congressional district within 90 days after adjournment of Legislature; only appropriation acts, laws for immediate preservation of public peace, health and safety and laws passed by two thirds vote may become operative within 90 days after adjournment; initiative of laws on petition of 15% of voters of state, and of constitutional amendments on petition of 20% of voters of each congressional district. *Vote November 1904.* p.280, '03

N. Y. STATE LIBRARY SUMMARY OF LEGISLATION 1905

- e6 **Mon.** Submitting amendment to Constitution art.18 b §3, 4, 5 forbidding employment of children under 16 in n establishing 8 hour day on state, county or municipal wo  
*November 1904.* p.49
- e7 **Nev.** Referring to Legislature of 1905 amendment to tion art.15 §13 relating to legislative apportionment: each to have at least one senator and one assemblyman; enume  
p.230,
- e8 **Nev.** Referring to Legislature of 1905 constitutional am adding article authorizing state to furnish public utility contracted, not to exceed 10% of taxable property; provi referendum. p.232,
- f **Nev.** Referring to Legislature of 1905 amendment to tion art.4 §1 providing for initiative on petition of 10% of state, and referendum on petition of 7% of voters, or l Legislature. p.231,
- f1 **Nev.** Referring to Legislature of 1905 amendment to tion art.10 §1 providing for taxation of unpatented minin and of unworked patented claims. p.240,
- f2 **N. Y.** Referring to next Legislature (1903 or 1904) am to Constitution art.6 adding §24 providing for election of t tional justices of Supreme Court in 2d district. p.1806,
- f3 **N. Y.** Submitting amendment to Constitution art.7 §4 b §11: Legislature may pay from funds in treasury sink charges, interest and principal of debts heretofore and he created; if other funds suffice, no direct annual tax nee posed. *Vote November 1905.* p.1451,
- f4 **N. Y.** Submitting amendment to Constitution art.6 §1 to Supreme Court judicial districts: Legislature may incre ices in any judicial district, but number may not exceed for each 60,000 or fraction over 35,000; 1st and 2d dist cepted. *Vote November 1905.* p.1452,
- f5 **N. Y.** Submitting amendment to Constitution art.12 § lature may regulate wages, hours and conditions of labo ployees of state or any civil division and on all public c *Vote November 1905.* p.1453,
- f6 **N. Y.** Referring to Legislature of 1905 amendment to tion, art.7 by adding §12: Legislature may contract debts provement of highways, limited to \$50,000,000; counties to more than 35%, or towns 15% of cost of highway. p.1454
- f7 **N. Y.** Referring to Legislature of 1905 amendment to tion art.7 §4 relating to creation and payment of state deb annual tax to be levied to pay annual interest charge, and within 50 [formerly 18] years from date of contraction. p.1454, 2
- f8 **N. Y.** Submitting amendment to Constitution art.8 §1c ing debts of New York city for water supply from cons limit of city indebtedness. *Vote November 1905.* p.1456,

## CONSTITUTIONAL LAW CONSTITUTIONS

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- g** N. D. Submitting amendment to Constitution §176 authorizing Legislature to tax grain in storage. *Vote November 1904.*  
p.293, 2 Mr 03
- g<sup>1</sup>** N. D. Referring to Legislature of 1905 amendment to Constitution §162 authorizing investment of school funds in *county, township or municipal bonds.*  
p.294, 24 F 03
- g<sup>2</sup>** N. D. Submitting amendment to Constitution §215 subdiv.8 removing Institution for Feeble-minded from Jamestown to Grafton. *Vote November 1904.*  
p.294, 5 Mr 03
- g<sup>3</sup>** N. D. Submitting amendment to Constitution §215 subdiv.5 changing name of Deaf and Dumb Asylum to School for Deaf and Dumb of North Dakota. *Vote November 1904.*  
p.295, 2 Mr 03
- g<sup>4</sup>** Or. Submitting amendment to Constitution art.12: Legislature to provide for election of state printer [formerly elected by people]. *Vote June 1904.*  
p.168, 24 F 03
- g<sup>5</sup>** Or. Repassing amendments to Constitution art.11 §2: general laws to be passed for incorporation of cities; cities may frame charters in conformity to general laws without submission to the Legislature; corporations shall not be formed by special laws [formerly, except for municipal purposes]. *To be voted on by people, but no provision for submission.*  
p.346, 4 F 01
- g<sup>6</sup>** Or. Repassing amendment to Constitution art.1 §35 allowing negroes to reside in state. *To be voted on by people, but no provision for submission.*  
p.347, 6 F 03
- g<sup>7</sup>** S. D. Submitting amendment to Constitution by adding art.29 fixing salary of attorney general at \$1800. *Vote November 1904.*  
97, '03
- g<sup>8</sup>** S. D. Submitting amendment to Constitution art.20 §1, 2 locating permanent seat of government at Mitchell. *Vote November 1904.*  
98 '03
- h** S. D. Submitting amendment to Constitution art.8 §11: school funds may be invested in *county, township or city bonds*; *no loan to exceed \$5000 or one third* [formerly one half] valuation of land covered by mortgage; interest charge not less than 5% to be fixed by Legislature. *Vote November 1904.*  
99 '03
- h<sup>1</sup>** Tenn. Submitting amendment to Constitution art.11 §18: counties or cities may exempt new manufacturers from taxation for 10 years on two thirds vote of county court or city council respectively. *Vote November 1904.*  
532, 2 Ap 03
- h<sup>2</sup>** Tenn. Submitting amendment to Constitution art.11 §13: Legislature may enact local road, fence and stock laws. *Vote November 1904.*  
532, 2 Ap 03
- h<sup>3</sup>** Tenn. Submitting amendment to Constitution art.3 §17: secretary of state to be *elected by qualified voters* [formerly by joint vote of General Assembly]. *Vote November 1904.*  
532, 2 Ap 03
- h<sup>4</sup>** Tenn. Submitting amendment to Constitution art.11 §19 limiting indebtedness of counties, cities and towns to 10% of value of taxable property. *Vote November 1904.*  
532, 2 Ap 03

## Amendments pending

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## TABLE OF LEGISLATION 1913

c6

Amendment to Constitution art.7 §1: state  
to be elected by qualified voters [former  
assembly]; term 4 [formerly 2] yea

532. 2 Ap

Amendment to Constitution art.7 §1: sherif  
fices are to be elected for 4 [formerly  
2] years, until expiration of 4 years. *Note Nov*

532. 2 Ap

Amendment to Constitution art.3 §4: govern  
ment 2 [formerly 2] years, and be eligible 8 in 12 [form  
November 1904. 532. 2 Ap

Amendment to Constitution art.17 §1: Legis  
lature political subdivisions of state to issue bond  
with assessed valuation of real estate for con  
struction and irrigation works and improvement o  
f same. *Note November 1904 unless special election is held*

p.246. 1 Ap 03

Amendment to Constitution art.3 §51: annual  
appropriations limited to \$250,000 [formerly \$500,000];  
to receive pension. *Note November 1904.*

p.248. 1 Ap 03

Amendment to Constitution art.16 §10: Legis  
lature incorporation of banking corporations; share  
holders to pay amount equal to par value of shares in addi  
tion to stock to be paid in in full; corporations may  
not be placed; foreign corporations, excepting  
those doing business in state. *Note November 1903.*

p.240. 1 Ap 03

Amendment to Constitution art.1 §11: Legis  
lature provisions for state penal and reformatory

147. 16 Mr

Legislature of 1905 amendment to Consti  
tution to provide for graduated income tax.

p.770.

Amendment to Constitution art.5 §17: fix  
salary of Supreme Court at \$5,000, and District Court judge  
at \$3,000. *Note November 1903.* p.152. 23 F

## Amendments adopted

Amendment to Constitution art.1 §11: Legis

Amendment to Constitution art.1 §11: Legis  
lature to levy tax on per  
sonal property in lieu of a  
poll tax. *Note November 1903.*

50. '0.

## CONSTITUTIONAL LAW CONSTITUTIONS

- Mich.** Submitting amendment to Constitution art.10 §10 providing for board of county auditors in counties of Saginaw, Jackson, Washtenaw and Kent. *Adopted April 1903.* p.428, '03
- Mich.** Submitting amendment to Constitution art.6 §6 as to payment of circuit judge in counties of Bay and Washtenaw. *Adopted April 1903.* p.429, '03
- N. H.** Amending Constitution pt 1 art.11: voters and officeholders to be able to read Constitution in English and write; proviso. *Adopted March 1903.*  
 Constitutional Convention 1902, amendment 1
- N. H.** Amending Constitution pt2 art.47: company officers in state militia to qualify before examining board prior to nomination. *Adopted March 1903.* Constitutional Convention 1902, amendment 2
- N. H.** Amending Constitution pt2 art.6: Legislature may impose taxes on polls, estates and other classes of property including franchises and inheritances. *Adopted March 1903.*  
 Constitutional Convention 1902, amendment 4
- N. H.** Amending Constitution pt2 art.82: Legislature may pass laws prohibiting trade combinations made to restrict competition. *Adopted March 1903.* Constitutional Convention 1902, amendment 8
- O.** Submitting amendment to Constitution art.13 §3 limiting liability of individual stockholder to amount of unpaid stock. *Adopted November 1903.* p.961, 29 Ap 02
- O.** Submitting amendment to Constitution art.12 §2: governor may veto bills within 10 days; two thirds vote required to pass over veto, but in any case not less than required for original passage; bills vetoed after adjournment to be returned to next Legislature, which may reconsider as if returned within prescribed 10 days; governor may in like manner veto any section of any bill or any item of an appropriation bill, but if vetoed after adjournment not to be returned to next Legislature as in case of a whole bill. *Adopted November 1903.* p.962, 2 My 02
- O.** Submitting amendment to Constitution art.11 §2 providing that each county [formerly each county having population equal to one half ratio] have 1 representative. *Adopted November 1903.* p.966, 6 My 02
- R. I.** Submitting amendment to Constitution art.10 §2, 3 relative to jurisdiction of supreme and inferior courts. Repealing art.14 §3. *Adopted November 1903.* 1089, 24 F 03
- S. C.** Ratifying amendment to Constitution art.7 §11 adopted by people November 1902: abolishing certain corporate townships in certain counties. 2, 23 F 03
- Wis.** Submitting amendment to Constitution art.7 §4 fixing number of Supreme Court justices at 7 [formerly 5]; term 10 years; one to be elected each year. *Adopted April 1903.* 10, 12 Mr 03

## 36 Amendments rejected

The entries under this head are duplicated under the special subjects to which they pertain.

- a **Nev.** Referring to next Legislature constitutional amendment adding article: acts of Legislature to be submitted to people on petition of 10% of voters of state; when approved, not to be overruled or suspended except by direct vote of people. *Not repassed by Legislature of 1903.* p.139, 19 Mr 01
- b **N. H.** Amending Constitution pt2 art.66 by repealing provision requiring commissary general to be chosen by Legislature. *Rejected March 1903.* Constitutional Convention 1902, amendment
- c **N. H.** Amending Constitution pt2 art.76: Legislature may give police courts jurisdiction in criminal causes not punishable by imprisonment in state prison; respondent to have right of appeal. *Rejected March 1903.* Constitutional Convention 1902, amendment
- d **N. H.** Amending Constitution pt1 art.6: encouragement of public worship grounded on *Christian* [formerly evangelical] principles Legislature may authorize parishes, bodies corporate or religious societies [formerly towns also] to provide for support of public [formerly protestant] teachers; proviso; equal protection of law to be given to *all religious sects and denominations* [formerly of Christians]. *Rejected March 1903.* Constitutional Convention 1902, amendment 6
- e **N. H.** Amending Constitution pt2 art. 27 giving women right to vote and to hold office. *Rejected March 1903.* Constitutional Convention 1902, amendment 7
- f **N. H.** Amending Constitution pt2 art.9, 10 reapportioning representation: towns of 800 [formerly 600] to have 1 representative, and additional members for each 1600 [formerly 1200] inhabitants; towns under 800 may unite to elect 1 representative. *Rejected March 1903.* Constitutional Convention 1902, amendment 9
- g **N. H.** Amending Constitution pt2 art.5: Legislature may establish 1 or more voting places in each town or ward, regulate conduct of elections and define voting precincts. *Rejected March 1903.* Constitutional Convention 1902, amendment 10
- h **N. J.** Submitting amendment to Constitution art.5 ¶10: Court of Pardons to consist of governor, chancellor and *attorney general* [formerly 6 judges of Court of Errors and Appeals]; quorum. *Rejected September 1903.* 177, 8 Ap 03
- i **N. J.** Submitting amendment to Constitution art.6 §2: Court of Errors and Appeals to consist of *chief judge and 4 associate justices* [formerly chancellor, justices of Supreme Court and 6 judges or major part of them] *or any 4 of them*; writ of error *vested exclusively in court* [formerly exercised by Supreme Court]. *Rejected September 1903.* 177, 8 Ap 03
- j **N. J.** Submitting amendment to Constitution art.6 §4 ¶1: Court of Chancery to consist of chancellor *and such number of vice chan-*

## CONSTITUTIONAL LAW CONSTITUTIONS

*cellors as provided by law; each may exercise jurisdiction of court.*  
*Rejected September 1903.* 177, 8 Ap 03

**k** N. J. Submitting amendment to Constitution art.5 §5 ¶1: Supreme Court may sit in divisions at same or different times and places. Repealing ¶3. *Rejected September 1903.* 177, 8 Ap 03

**l** N. J. Submitting amendment to Constitution art.6 §6 ¶1, 2: Court of Common Pleas *to be constituted and held in each county as provided by law.* *Rejected September 1903.* 177, 8 Ap 03

**m** N. J. Submitting amendment to Constitution art.7 §2 ¶1 adding to the judicial officers appointed by governor with consent of Senate, *judges of Circuit Court, of Court of Common Pleas and vice chancellors*; repealing ¶2 whereby judges of Court of Common Pleas were appointed jointly by Senate and Assembly. *Rejected September 1903.* 177, 8 Ap 03

**n** N. D. Referring to next Legislature amendment to Constitution §158 regarding sale of public lands. *Not repassed by Legislature of 1903.* p.278, '01

**p** O. Submitting amendment to Constitution art.13 §6, relating to classification of municipalities: cities of 100,000 or more to belong to 1st class, cities of 25,000 to 100,000, 2d class; cities under 25,000, 3d class. *Rejected November 1903.* p.117, 22 O 02

**q** O. Submitting amendment to Constitution art.12 §2 permitting the separation of state and local taxation; subjects of taxation for state and local purposes to be classified and subjects in the same class uniformly taxed. *Rejected November 1903.* p.962, 29 Ap 02

**r** Or. Referring to next Legislature amendment to Constitution art.2 §14: general elections to be held biennially on Tuesday following 1st Monday in November. *Not repassed by Legislature of 1903.* p.473, 22 F 03

**s** Or. Referring to next Legislature amendment to Constitution art.14 §3: state institutions may be located at other places than seat of government. *Not repassed by Legislature of 1903.* p.474, 22 F 01

**t** Pa. Referring to next Legislature amendment to Constitution art.3 §7: Legislature may pass local laws on approval of majority of votes at election, held under order of Court of Common Pleas. *Not repassed by Legislature.* p.883, '01

**u** Pa. Referring to next Legislature amendment to Constitution art.1 §10: discharge of jury for failure to agree or other necessary cause shall not work acquittal. *Not repassed by Legislature of 1903.* p.883, '01

**v** Tenn. Referring to next Legislature amendment to Constitution art.6 §1, 4, 8, 13: Legislature may establish necessary inferior courts. *Not repassed by Legislature of 1903.* 80, 22 Ap 01

**w** Tenn. Referring to next Legislature amendment to Constitution art.2 by adding §21: counties, cities and towns may levy assessment on part of territory for local improvements. *Not repassed by Legislature of 1903.* p.1266, 19 Ap 01



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- x **Vt.** Referring to next Legislature amendment to Const by adding art.29: Legislature may prescribe manner of vacancies in office of senator and representative. *Not repa*  
*Legislature of 1902.* '00 (not printed in session)
- y **Wis.** Referring to next Legislature amendment to Const art.2 §3: cities over 25,000 to levy annual tax sufficient to pa  
cipal and interest of public debt within 50 years. *Not repa*  
*Legislature of 1903.* p.
- z **Wis.** Referring to next Legislature amendment to Const art.4 §23: Legislature may establish separate system of  
government in counties containing city over 100,000. *Not r*  
*by Legislature of 1903.* p.

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## State departments

BY HELEN PAGE BATES PH.D.

*See also* Officers, 753; *also* under each head Finance, Public health, Chariti  
cation, etc.

- a **Mon.** Providing for deputies in offices of secretary of  
treasurer, auditor and superintendent of public instruction.  
86, 5
- b **Mon.** One clerk appointed by governor to perform du  
clerk for Boards of Pardons, Equalization, Commission  
Insane and State Prison Commissioners; salary \$1800.  
126, 9
- c **N. D.** Amending R. C. '99 §334 relative to sums allow  
clerk hire in certain state offices. 186, 6
- d **Tenn.** Governor to call special election for state tre  
comptroller of treasury and secretary of state on ratifica  
amendments to Constitution art.3 §17, and art.7 §3. *Vote N*  
*1904.* 344, 15

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## Governor

- a **Tenn.** Submitting amendment to Constitution art.3 §4:  
nor to hold office 4 [formerly 2] years and be eligible  
[formerly 6 in 8] years. *Vote November 1904.* 532, 2
- b **Tenn.** Governor elected at November election 1904 t  
office for 4 years on ratification of amendment to Constituti  
§4 at same election. p.1606, 13
- 43 **Salary**
  - a **Ind.** Salary of governor \$8000 [formerly \$5000]. An  
R. S. '01 §5588. 57, 3
  - b **Kan.** Salary of governor \$5000 [formerly \$3000]. An  
G. S. '01 §6076. 240, 3
- 44 **Secretary. Clerks. Employees**
  - a **Neb.** Salary of governor's private secretary, \$2000 [fc  
\$1500]. Amending C. S. '01 §4985. 101, 7
  - b **Wy.** Salary of private secretary of governor \$1500.  
25, 1

## CONSTITUTIONAL LAW STATE DEPARTMENTS

## 45 Veto

- a **Kan.** Submitting to people amendment to Constitution art.2 §14: governor may veto items of appropriation bill. *Vote November 1904.*  
545, 21 F 03
- b **O.** Submitting amendment to Constitution art.12 §2: governor may veto bills within 10 days; two thirds vote required to pass over veto, but in any case not less than required for original passage: bills vetoed after adjournment to be returned to next Legislature, which may reconsider as if returned within prescribed 10 days; governor may in like manner veto any section of any bill or any item of an appropriation bill, but, if vetoed after adjournment, not to be returned to next Legislature as in case of a whole bill. *Adopted November 1903.*  
p.962, 2 My 02

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## Secretary of state

- a **Ark.** Salary of secretary of state \$2250 [formerly \$1800] a year. Amending S. '94 §6810. 167, 27 Ap 03
- b **Cal.** Amending P. C. §416 relating to fees of secretary of state. 24, 13 F 03
- c **Cal.** Amending P. C. §408-10, 420 and adding §415 relating to duties and clerks and employees of secretary of state. 56, 28 F 03
- d **Ct.** Providing for appointment of deputy to secretary of state; salary \$2300. 144, 29 My 03
- e **Mon.** Amending P. C. §410 relating to fees of secretary of state. 127, 9 Mr 03
- f **N. M.** Providing for assistant secretary of territory; salary \$300. 75, 17 Mr 03
- g **Okl.** Increasing salary of secretary of territory to \$3000 [\$1800 provided by United States]; allowance for clerk hire; quarterly report to territorial auditor; penalty. 14 art.3, 13 Mr 03
- h **Pa.** Providing additional clerks and employees and fixing salaries in State Department. Amending P. & L. Digest '94, p.4243. 119, 9 Ap 03
- i **S. D.** Fixing fees of secretary of state: to be collected in advance. 141, 5 Mr 03
- j **Tenn.** Submitting amendment to Constitution art.3 §17: secretary of state to be *elected by qualified voters* [formerly by joint vote of General Assembly]. *Vote November 1904.* 532, 2 Ap 03
- k **Va.** Duties of secretary of commonwealth: may take and certify acknowledgments; to record documents and furnish copies under seal, authenticate court and government records, keep register of city, county and district officers and furnish certificates of election and qualification; disposition of Supreme Court reports and state publications; annual report to governor. Amending C. §242-46. 250, 252, 267. 261, 16 My 03
- l **Wash.** Secretary of state may appoint assistant. Amending Ann. C. & S. '97 §126. 75, 12 Mr 03

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- m **W. Va.** Secretary of state to be elected every 4 years appointed by governor]. Amending C. ch.3 §2. 21

50 **Attorney general**

- a **Ark.** Salary of clerk of attorney general not to exceed month. Amending S. '94 §3287. 1
- b **Col.** Attorney general may appoint 3 [formerly : Amending P. C. §475. 9
- c **Mass.** Establishing office of chief clerk in department of attorney general. 357
- d **Mich.** \$10,000 [formerly \$6000] for salaries of clerks in department of attorney general. Amending '01 ch.150. 40
- e **Minn.** Salary of attorney general \$4800 [formerly : Amending S. '94 §530 subdiv. 6. 55
- f **Minn.** State boards, departments and officers may not employ special attorneys unless expressly authorized by law; attorney, on request of attorney general, to act as attorney; special attorneys to be appointed by attorney general; with state auditor shall fix compensation, not exceeding 351
- g **Pa.** Fixing salaries and number of employees in department of attorney general. 62
- h **S. D.** Submitting amendment to Constitution by adding fixing salary of attorney general at \$1800. *Vote November*
- i **Tex.** In absence of attorney general, duties to devolve on office assistant. 91

51 **Other officers and boards**

Departments of agriculture are classified under Agriculture, of Education, etc.

- a **Pa.** Regulating number and salaries of employees in Department of Internal Affairs. 228
- b **S. D.** Providing for reappointment and continuation of Agriculture, *Horticulture, Manufactories and Domestic Art.* Amending P. C. '03 §158, 164, 170. 21

53 **Corporation commission**

- a **Va.** On motion of interested person, Corporation Commission to take place of Board of Public Works in pending proceedings at law or in equity. 91
- b **Va.** Regulating time of appointment and organization of Corporation Commission provided for in Constitution of Virginia; fixing powers, duties and salaries; jurisdiction; procedure; biennial report to Legislature. 18p. 147

55 **State examiner**

- a **Minn.** Amending S. '94 §421 as to fees of public examiner. 28

## CONSTITUTIONAL LAW STATE DEPARTMENTS

55-5

- b **Mon.** Amending P. C. §490-506 relative to state examiner: *annual* [formerly semiannual] examination of accounts; compensation; report to governor *immediately* [formerly within 30 days] after close of fiscal year; fees payable by banks and loan associations; contributions by counties; penalties. 100, 6 Mr 03
- c **N. M.** Creating office of state traveling auditor and bank examiner to be appointed by governor for 2 years; salary \$2000; to supervise banks and county accounts; annual reports to governor both as bank examiner and auditor. Repealing C. L. '97 §280-81. 54, 12 Mr 03
- d **Wy.** Salary of state examiner \$2000 [formerly \$1800] with contingent fund for incidentals [formerly \$1400] *to be provided by Legislature*. Amending R. S. '99 §138. 99, 23 F 03
- 57 **Officers and departments created, abolished or reorganized**  
Does not include courts and court officers. The entries under this head are also duplicated under the special subjects to which they pertain. They are grouped here primarily for the use of the document librarian and the student of state administration.
- a1 **Ari.** Reenacting '97 ch.32 providing for appointment of Commission to Promote Uniformity of Legislation in United States: report to Legislature 1905, and from time to time on demand. 6, 28 F 03
- a2 **Ari.** Creating *Board of Dental Examiners* [replacing Board of Registration in Dentistry created in 1901]: to consist of 5 members appointed by governor for 4 [formerly 3] years. Repealing R. S. '01 §3532-50. 28, 17 Mr 03
- a3 **Ari.** Creating Board of Health, to consist of governor, attorney general and superintendent of public health to serve for 2 years; superintendent to be appointed by governor with consent of Council, salary \$1000; board to supervise local boards; local health officers to report to superintendent and latter to governor biennially. 65, 19 Mr 03
- 14 **Ari.** Creating Board of Pharmacy; to consist of 7 pharmacists appointed by governor for 4 years; to license on approval of diploma or examination. 74, 19 Mr 03
- 15 **Ari.** Board of Curators of Territorial Library may choose *member* to act as territorial librarian [formerly secretary of state], and may employ assistant librarian at \$50 a month. 85, 19 Mr 03
- 6 **Ark.** Creating Homeopathic State Medical Board, Eclectic State Medical Board, and State Medical Board of Arkansas Medical Society, to consist of 7 members each, one from each congressional district, to be appointed by governor on recommendation of respective state societies; term 4 years; board of same school as applicant to license on examination; annual reports to governor. 22, 17 Mr; 98, 24 Mr 03
- 7 **Ark.** Recreating office of adjutant general abolished by '79 ch.49; private secretary of governor to serve. 124, §1, 8 Ap 03

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- a8 Ark. Creating Board of Osteopathic Examiners of 5 members, appointed by governor for 4 years; to issue certificates to practise on approval of diploma or examination; annual report to governor. 173, 27 Ap 03
- b Ark. Entomologist of University of Arkansas constituted state (horticultural) inspector; to inspect nursery stock and issue certificates. 203, §2, 20 My 03
- b1 Cal. Reorganizing Board of Bank Commissioners [replacing board created in 1878]; governor *with consent of Senate* to appoint 4 [formerly 3] commissioners for 4 years; salary \$3600; powers and duties; annual report to governor. Repealing '78 ch.481; '87 ch.80; '95 ch.167. 65, 2 Mr; 266, 24 Mr 03
- b2 Cal. Abolishing Board of Examiners of Barbers, created by '01 ch.25. 151, 16 Mr 03
- b3 Cal. Creating State Textbook Committee to consist of governor, state superintendent of public instruction and 1 other member of Board of Education; *committee* [formerly Board of Education] to adopt, compile, manufacture and distribute state series of uniform school textbooks on approval of Board of Education. Amending P. C. §1874. 173, 18 Mr 03
- b4 Cal. Creating Commission on Voting Machines, to consist of governor, secretary of state and attorney general; inspection; regulation of use by county supervisors; penalties. 226, 20 Mr 03
- b5 Cal. Creating Board of Examiners in Optometry, to consist of 3 members appointed by governor for 4 years; to license on examination. 234, 20 Mr 03
- b6 Cal. Creating Board of Charities and Corrections consisting of governor and 6 members, but 3 of same political party, appointed by governor with consent of Senate; women eligible to membership; term 12 years; inspection of state and local charitable, correctional and penal institutions; biennial report to governor; \$6000 annual appropriation. 363, 25 Mr 03
- b7 Cal. State veterinarian constituted state sheep inspector; to have supervision over deputies appointed by county supervisors. 267, 24 Mr 03
- b8 Cal. Abolishing Board of Horticulture and state horticultural quarantine officer; creating office of state commissioner of horticulture to be appointed by governor for 4 years; salary \$250 month; powers and duties; cooperation with county boards; biennial report to governor and Legislature alternately. Repealing '83 ch.63, '85 ch.7, '89 ch.86, '99 ch.76. 379, 26 Mr 03
- b9 Col. Creating Traveling Library Commission, to consist of members appointed by governor on nomination of Colorado Federation of Women's Clubs, for 3 years; to establish, maintain and regulate free traveling libraries. 140, 13 Ap
- c Col. Establishing Mineral Department under jurisdiction register of public lands; and creating office of superintendent to be appointed by Board of Land Commissioners; salary \$2000;

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- supervise all lands, mines and works under state lease; report to board. 151, 11 Ap 03
- c1 Col. Creating state commissioner of public printing, to be appointed by governor with consent of Senate, for 2 years; salary \$2500; powers and duties; abolishing office of state printing clerk and state measurer of printing [formerly filled by secretary of state]. 152, 11 Ap 03
- c2 Col. Reorganizing Board of Stock Inspection Commissioners, to consist of 5 cattle men, 3 sheep men and 1 horse man appointed by governor for 2 years; secretary of board to be executive officer; salary \$1500; to regulate inspection of brands and stock, and appoint *brand* [formerly cattle] inspectors; to prescribe sanitary and quarantine regulations and appoint state veterinary surgeon and county sheep inspectors on petition; abolishing Veterinary Sanitary Board created in 1885. Repealing Sup. '96 §4292, 4296. 170, 6 Ap 03
- c3 Col. Creating examining Board of Veterinary Surgeons, to consist of state veterinary surgeon and 2 appointees of governor; term 3 years; to license on approval of diploma. 171, 11 Ap 03
- c4 Ct. Creating Geological and Natural History Survey; to consist of the governor and of the presidents of Yale and Wesleyan Universities and of Trinity and State Agricultural Colleges; to appoint superintendent and assistants; powers and duties; biennial report to Legislature; \$3000. 133, 3 Je 03
- c5 Ct. Creating State Police Department, consisting of 5 commissioners to be appointed by judges of Superior Court for 2 years; commissioners to elect superintendent and assistant; salaries \$3000 and \$2000 respectively; also on recommendation of superintendent to appoint from 5 to 10 state policemen at \$4 a day; abolishing office of state fire marshal and transferring powers and duties to State Police Department; annual report to governor. Repealing G. S. '02 §76-78, 170-72, and amending §173-75, 4811. 141, 29 My 03
- c6 Ct. Creating Board of Examiners of Embalmers, to consist of 5 members appointed by governor for 3 years: one member to be appointed by Board of Health to act with board of examiners in conducting examinations. 159, 11 Je 03
- c7 Ct. Creating permanent Board of Voting Machine Commissioners, of 3 members appointed by governor for 2 years; [replacing temporary board created by '01 ch.120]. 207 §1, 19 Je 03
- c8 Del. Board of Agriculture with governor constituted Board of Immigration Commissioners; powers and duties; annual report to governor. 333, 19 Mr 03
- d Del. Creating Board of Veterinary Medical Examiners, to consist of 3 members appointed by governor for 3 years; to license to practise on approval of diploma or on examination. 364, 17 Mr 03
- d1 Del. Creating State Highway Commission, to consist of 3 commissioners appointed for 3 years by governor on confirmation by

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- Senate; salary \$1000; powers and duties; biennial report to  
 legislature. 380, :
- d2 Del. Governor to appoint for life 3 commissioners to  
 custodians of Cooch's Bridge monument. 445, .
- d3 Fla. Creating office of state supervisor of naval stores  
 appointed for 4 years by governor; to supervise port insp  
 naval stores created in 1899. 1C
- d4 Fla. Creating office of state auditor to examine annual  
 and accounts of state and county officials; to be appointed  
 ernor; salary \$2000; authorized to appoint clerk at \$100  
 biennial report to Legislature. Repealing '99 ch.188, '01  
 14, :
- d5 Fla. Board of trustees of University of Florida to in  
 contagious diseases among animals and regulate quarant  
 employ agent as veterinarian; general health laws, as to  
 and duties, to apply. 156
- d6 Ga. Board of Education constituted Schoolbook Com  
 to appoint committee of 5 chosen from several congressi  
 tricts to examine and report individually on textbooks;  
 sion to adopt uniform textbooks; \$1000. p.53,
- d7 Ga. Creating Board of Health, to consist of 11 appo  
 governor chosen for 6 years from several congressional  
 also a secretary to be elected by board for 6 years; sala  
 powers and duties; local boards or physicians where n  
 authorities to report contagious diseases to board; board  
 annually to governor. p.72,
- d8 Ga. Creating office of state supervisor of naval stores  
 appointed by governor for 4 years; powers and duties.  
 p.77,
- e Id. Creating Board of Examining Surveyors, consisting  
 engineer and 2 engineers appointed biennially by gove  
 issue licenses to land surveyors; qualifications of applica  
 p.81,
- e1 Id. Secretary of state constituted state sealer of wei  
 measures. p.87,
- e2 Id. Governor to appoint biennially state inspector for  
 5 lumber districts; powers and duties. 89,
- e3 Id. Creating Board of Dairy, Pure Food and Oil Con  
 ers, consisting of secretary of state, professor of agricultu  
 intendent of institutes and 1 person appointed by govern  
 nial report to governor; state horticultural inspector co  
 state dairy, pure food and oil commissioner. p.95,
- e4 Id. Creating Board of Irrigation: dividing state into  
 divisions and subdividing these into water districts; boar  
 sist of state engineer and 3 water division commissioner  
 pointed by governor with consent of Senate; board to  
 district water masters, to report to commissioners; pov

## CONSTITUTIONAL LAW STATE DEPARTMENTS

- duties of officials defined; commissioners to report annually to state engineer. p.223, 11 Mr 03
- 5 Id. Abolishing State Library and Extension and Traveling Library Commission; creating State Library Commission, consisting of attorney general, secretary of state, superintendent of public instruction and president of state university; to manage traveling libraries and promote establishment of free libraries. Repealing 'or p.6. p.283, 11 Mr 03
- 6 Id. Creating Board of Horticultural Inspection consisting of director of experiment station and professor of zoology of University of Idaho and 3 persons appointed by governor; board to appoint state horticultural inspector; salary, \$900; powers and duties; to appoint with consent of board deputies for each of 10 horticultural districts; reports. p.347, 27 F 03
- 7 Id. Creating Board of Deposits, consisting of governor, attorney general and auditor; to select state depositories. p.375, 4 Mr 03
- 8 III. Creating Board of Fort Massac Trustees to purchase site of Fort Massac and restore same; trustees to employ custodian; Daughters of American Revolution may erect monument; \$10,000. p.42, 15 My 03
- f III. Name of Commission of Claims created in 1877 changed to *Court of Claims*; to consist of 3 judges appointed by governor with consent of Senate for 4 years; salary \$1500 [formerly \$15 per diem]; to settle all claims against state, state institutions, etc; auditor of public accounts to be clerk and custodian and report biennially to governor. Amending R. S. 'or ch.26a. p.140, 16 My 03
- fi III. Creating bipartisan Board of Voting Machine Commissioners, to consist of secretary of state and 2 mechanical experts appointed by governor for 4 years; salary of experts, \$1500; powers and duties. p.178 §3, 14 My 03
- fa III. Creating Board of Classification to consist of presidents of Board of Prison Industries and of Board of Public Charities also state auditor of public accounts; to fix price of convict labor and goods. p.271 §17-18, 11 My 03
- f3 III. Creating Board of Prison Industries of Illinois, to consist of commissioners of Illinois State Penitentiary at Joliet, of Southern Illinois State Penitentiary at Chester, and of Illinois State Reformatory at Pontiac; to determine system of prison industry; to distribute convict-made goods among state and local institutions. p.271, 11 My 03
- f4 III. Creating Board of Examiners of Public Accountants, to consist of 3 members appointed by state university; qualifications to practise; board to license on state university certificate and examination. p.281, 15 My 03
- f5 Ind. Creating Anatomical Board, to consist of president of Board of Health and one representative from each of incorporated medical and dental schools and colleges; to control distribution of dead bodies for medical purposes. 31, 25 F 03



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- f7 **Ind.** Creating Board of Pardons, to consist of 3 members, appointed by governor to serve 4 years; salary \$300; to examine petitions for pardon and report recommendations to governor. 236, 10 Mr c
- f8 **Kan.** Creating State Poultry Association a state institution annual report to governor; state appropriation. 28, 27 F c
- g **Kan.** Creating Board of Examiners of Barbers, to consist of 3 persons appointed by governor and approved by Board of Health; term 3 years; to license to practise on examinations; biennial report to state auditor. 70, 27 F c
- g1 **Kan.** Creating State Grain Inspection Commission, to consist of 3 appointees of governor, but 2 from any one party; term 2 years; [formerly state inspector of grain in counsel with delegates from local boards of trade established grades of grain. Amending '91 ch.148 §35, '97 ch.138 §7. 326, 11 Mr c
- g1 **Kan.** State secretary of mine industries constituted state inspector of weights, measures and scales at coal mines; semiannual test; penalty. 544, 27 F c
- g2 **Me.** Abolishing office of inspector general of beef and pork. Repealing R. S. '83 ch.38 §1-35. 41, 4 Mr c
- g3 **Me.** Abolishing office of state inspector of nails. Repealing R. S. '83 ch.39 §14-22. 42, 4 Mr c
- g4 **Me.** Abolishing office of state inspector of pot and pearl ash. Repealing R. S. '83 ch.39 §7-13. 42, 4 Mr c
- g5 **Me.** Abolishing office of state prover of firearms. Repealing R. S. '83 ch.39 §30-31. 51, 4 Mr c
- g6 **Me.** Creating Board of Examiners of Embalmers and Undertakers to consist of secretary and one other member of Board of Health, and 2 members appointed by governor and Executive Council; term 3 years; to license to practise on examinations; annual report to Board of Health. 98, 17 Mr c
- g7 **Me.** Board of Health to establish and equip Laboratory of Hygiene for bacteriologic examination of water supplies, milk and food products and cases of infectious diseases; \$2000 for equipment; board to appoint director; salary \$3000; annual report to board. 223, 28 Mr c
- g8 **Me.** Creating State Mining Bureau, to consist of state land agent, state commissioner of agriculture and state commissioner of labor; biennial report of bureau on mineral resources to be circulated outside state. 227, 28 Mr c
- h **Mass.** Creating Board of Registration in Veterinary Medicine to consist of 5 members appointed by governor and Council; term 5 years; to license on diploma or on examination; exemption. 249, 16 Ap c
- h1 **Mass.** Creating Board of Voting Machine Examiners, to consist of 3 members appointed by governor for 5 years [formerly machines were inspected by secretary of commonwealth, treasurer receiver general and auditor of accounts]. Repealing R. L. ch. 270, 272. 368, 19 My c

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- h2 Mich.** Board of Health [formerly authorized only to pass on qualifications of persons embalming dead bodies dying of contagious diseases] constituted Examining Board of Embalmers; to license on examination or on diploma from State University. Amending 'or ch.233. 132, 21 My 03
- h3 Mich.** Creating Board of Osteopathic Registration and Examination, to consist of 5 members appointed by governor with consent of Senate, for 5 years; to license on approval of diploma and examination. 162, 28 My 03
- h4 Mich.** Forestry Commission to appoint state forestry warden for 4 years; salary \$1000; state warden with consent of commission to appoint deputy wardens; powers, duties. 175, 4 Je 03
- h5 Mich.** Establishing State Highway Department: creating office of state commissioner of highways to be appointed by governor with consent of Senate for 4 years; salary \$1500; state commissioner with approval of governor to appoint civil engineer as deputy, with salary, \$1500; powers and duties; all local road officials to report annually to state commissioner, and commissioner biennially to governor. 203, 10 Je 03
- h6 Mich.** State land commissioner as state forest commissioner to appoint chief firewarden, to have charge of firewarden force of state; salary \$500; town supervisor, city mayor and president of village council constituted local firewardens; chief may appoint temporary wardens; powers and duties; annual report of chief to state forest commissioner, and by him to governor. 249, 18 Je 03
- h7 Minn.** Creating Minnesota State Art Society, to further development of art in education, and in manufactures; governing board to consist of governor, president of State University and 7 members appointed by governor for 4 years; powers and duties; state appropriation. 119, 3 Ap 03
- h8 Minn.** Amending S. '94 §480, 494, '99 ch.91 relative to Board of Inspectors of Steam Vessels and Boilers; governor to appoint one inspector each from 53 *senatorial* [formerly 7 congressional] districts; each inspector may appoint deputy in own district [formerly board appointed county deputies]. 131, 3 Ap 03
- i Minn.** Creating Board of Administration of State Farmers Institutes, to consist of 3 members chosen from board of regents of State University and presidents of State Agricultural Society, Dairy Association and Horticultural Society; term 3 years; to appoint state superintendent of farmers institutes for 2 years; salary \$1500; powers and duties; superintendent to report to board; \$18,000. 221, 14 Ap 03
- ii Minn.** Entomologist of State Experiment Station constituted state entomologist; to inspect nursery stock and issue certificates; may appoint assistants. 237, 17 Ap 03
- 12 Minn.** Creating Live Stock Sanitary Board, to consist of 5 members appointed by governor for 5 years; board may elect field veterinarian, bacteriologist and attorney; powers and duties rela-

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tive to control of contagious diseases among domestic animals, previously conferred on Board of Health by '85 ch.200, '97 ch.233, now transferred to Live Stock Sanitary Board; annual report to governor; transfer of appropriation from Board of Health.

352, 22 Ap 03

- i3 **Minn.** Creating Board of Osteopathic Examiners and Registration, to consist of 5 members appointed by governor for 5 years; to license on approval of diploma and examination. 369, 21 Ap 03

- i4 **Mo.** Creating Board of Coal Mining Examiners, to consist of 3 members appointed by governor for 2 years; to grant certificates on examination to mine managers, foremen, assistant foremen, examiners and hoisting engineers; state inspectors of mines to be appointed by governor on examination by board: fees; penalties. p.242, 4 Ap 03

- i5 **Mo.** Creating State Board of Osteopathic Registration and Examination consisting of 5 members appointed by governor for term of 5 years; to license on examination or on approval of diploma. p.248, 27 Mr 03

- i6 **Mon.** Entomologist of State Agricultural College constituted state entomologist; annual report to governor to be published in bulletin of State Agricultural College and Experiment Station.

59, 4 Mr 03

- i7 **Mon.** Establishing Montana State Fair as state institution; board of directors to consist of 1 person appointed from each county by county commissioners; state appropriation. 96, 6 Mr 03

- i8 **Mon.** Reorganizing State Board of Horticulture to consist of governor and 6 [formerly 5] appointees; board to appoint *state inspector at large*, in addition to district and special fruit inspectors; powers and duties. Amending '99 p.52, '01 p.36. 109, 6 Mr 03

- j **Mon.** Abolishing State Arid Land Grant Commission, created in 1897; creating Carey Land Act Board, to secure benefits of grant made by U. S. '94 ch.301 and later amendments; board to consist of state engineer, secretary of state, and state examiner creating office of state engineer to be appointed by governor with consent of Senate; term 4 years; salary \$2500; powers and duties biennial report to governor. Repealing P. C. §3530-59a-f.

114, 7 Mr

- ji **Mon.** Montana Humane Society constituted State Bureau Child and Animal Protection; board of directors to consist of governor, superintendent of public instruction and attorney general; governor on recommendation of board to appoint secretary; salary \$1200; powers and duties; annual meeting and report to secretary of state; publication and distribution of report by state.

115, 7 Mr

- ja **Mon.** State Textbook Commission to consist of 7 members appointed by governor for 4 years; to adopt uniform textbook [replacing Board of Textbook Commissioners created by '97 p.61

116, 122, 7 Mr

## CONSTITUTIONAL LAW STATE DEPARTMENTS

- 3 **Mon.** Creating office of state inspectors of meat and milk, to be appointed by president and secretary of Board of Health and state veterinarian for different classes of counties; to be known as deputy state veterinarians; powers, duties, and salaries; annual report to state veterinarian. 120, 7 Mr 03
- 4 **Neb.** State Board of Health to appoint state health inspector on nomination of 3 secretaries of State Medical Board, for 1 year; salary, \$1800; powers and duties. Supplementing C. S. '01 §3684-702. 59 §4, 3 Ap 03
- 15 **Neb.** State surveyor and draftsman to be appointed by state commissioner of public lands and buildings; to regulate surveying by county surveyors and serve as arbitrator in case of conflicting surveys. 105, 8 Ap 03
- 16 **Neb.** State architect to be appointed by Board of Public Lands and Buildings; salary \$2500; to supervise construction of public buildings. 108, 8 Ap 03
- 17 **Nev.** Creating office of state engineer to be appointed by governor on recommendation of United States secretary of interior or Geological Survey; salary \$2400; to act as secretary of Board of Irrigation created by '01 ch.59; to appoint assistant engineer with salary \$1200; board to divide state into water divisions or districts, and appoint water commissioners on recommendation of United States secretary of interior or Geological Survey; water commissioners to report to state engineer; biennial report by state engineer to governor; \$15,000. 4, 16 F 03
- 18 **Nev.** Creating State Board of Revenue, to consist of governor, state comptroller and attorney general; powers and duties. 69 §15, 13 Mr 03
- k **N. H.** Abolishing Board of Library Commissioners and transferring powers and duties to State Library Trustees. Supplementing '01 ch.7. 6, 3 F 03
- 11 **N. H.** State nursery inspector to be appointed annually by State Board of Agriculture; powers and duties. 43, 4 Mr 03
- 12 **N. H.** Creating Board of License Commissioners, to consist of 3 members appointed by governor with consent of Council; term 6 years; to regulate liquor traffic; annual report to governor and Council. 95, 27 Mr 03
- 3 **N. J.** Reorganizing Board of Managers of State Geological Survey: board to consist of governor ex officio and 1 member from each congressional district, also members at large, not exceeding 10, appointed by governor with consent of Senate for 5 years. Repealing '94 ch.72. 101, 1 Ap 03
- 4 **N. J.** Extending term of Board of Commissioners of Passaic Valley Sewerage District created by '02 ch.49; board to acquire lands by purchase or condemnation, and to construct sewers and sewage disposal works. 102, 1 Ap 03
- 5 **N. J.** State Board of Health constituted Examining Board of Health Officers and Sanitary Inspectors; grading; after 1904 local

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- authorities to appoint only licensed health officers and sanitary inspectors. 215, 8 Ap 03
- k6 N. J. Governor [formerly American Cranberry Growers Association] to appoint 1 or more state inspectors of cranberries. Amending G. S. '95 p.1045 ¶16. 256, 14 Ap 03
- k7 N. J. Establishing State Bureau of Shell Fisheries: chief of bureau to be appointed for 4 years by governor; salary \$1200; powers and duties; state oyster commissioners and director of New Jersey College Experiment Station to report to chief; these reports to be transmitted annually with that of chief to governor. 265, 14 Ap 03
- k8 N. M. Abolishing office of territorial oil inspector. Repealing '01 ch.64. 3, 13 F 03
- k9 N. M. Creating office of state game and fish warden to be appointed by governor for 2 years; salary \$1800; state warden to appoint deputies in several counties; powers and duties. 48 §2, 3, 12 Mr 03
- 1 N. M. Creating office of state traveling auditor and bank examiner, to be appointed by governor for 2 years; to supervise banks and county accounts; annual reports to governor, both as auditor and as bank examiner. Repealing C. L. '97 §280-81. 54, 12 Mr 03
- 1r N. Y. Creating Board of Examiners of Nurses, to consist of 5 members appointed by Board of Regents of State University on nomination by State Nurses Association; term 5 years; powers and duties; Regents to report annually to state comptroller. Adding art.12 to '93 ch.661. 293, 27 Ap 03
- 12 N. Y. Board of Classification of prison labor and commodities to consist of *fiscal supervisor of state charities* [formerly state comptroller] Commission of Prisons, and Lunacy Commission; powers and duties. Amending '89 ch.382 §107, '96 ch.429. 447, 7 My 03
- 13 N. Y. Creating Board of Barber Examiners, to consist of 4 members appointed by governor for 5 years; board may appoint local boards; to license on examination; practising barbers exempt on registration; fees; penalties. 632, 15 My 03
- 14 N. C. Governor, attorney general and auditor to constitute Board of Pensions to pass on claims submitted by county boards of pensions. 273 §5, 2 Mr 03
- 15 N. C. Creating Board of Examiners of Trained Nurses, to consist of 5 members elected by State Medical Society and State Nurses Association, for 3 years; to license to practise on approval of diploma or on examination after Jan. 1, 1904. 359, 3 Mr 03
- 16 N. C. Creating Board of Veterinary Medical Examiners, to consist of 5 members appointed by governor from North Carolina Veterinary Medical Association, for 5 years; to license on examination. 503, 6 Mr 03
- 17 N. C. Governor to appoint state oyster commissioner and assistant commissioner, with salaries of \$900 and \$700 respectively;

## CONSTITUTIONAL LAW STATE DEPARTMENTS

- term 2 years; to have supervision of oyster industry; commissioner to appoint inspectors in shore counties, excepting 4; monthly financial statements to state treasurer; biennial report by commissioner to governor; [replacing chief oyster inspector and deputy appointed by '97 ch.13]. 516, 6 Mr 03
- 3 N. C. Professors of anatomy of several state medical schools to constitute Board of Distribution of dead bodies; regulations. 666, 9 Mr 03
- 9 N. C. Governor to appoint Historical Commission of 5 members, for 2 years; to collect old records for historical collection; publication; distribution by state librarian; \$500 annual appropriation. 767, 9 Mr 03
- m N. D. Creating Board of Armory Commissioners, to consist of governor, adjutant general and colonel in command of regiment; to select armory sites, approve plans and audit accounts. 48, §2, 6 Mr 03
- 11 N. D. Abolishing office of state game warden: division of state into 2 game districts; governor to appoint for 2 years, 2 district game wardens [formerly 1 state warden]; each to appoint county deputies in own district. Amending R. C. '99 §1642, 1644-47, 7678, 7683a-d, 7683f. 103, 4 Mr 03
- m2 N. D. Creating Board of Examiners of Optometry to consist of 3 opticians appointed by governor for 3 years; to license to practise on examination; exemptions. 130, 4 Mr 03
- m3 Okl. Reorganizing Board of Health, to consist of 3 members [formerly state superintendent of public instruction, state superintendent of public health and 1 appointee] appointed by governor with consent of council; salary of superintendent of public health, \$800 [formerly \$500]; board to serve also as Board of Medical Examiners. Amending S. '03 §301-16. 5, 12 Mr 03
- m4 Okl. Creating Board of Military Examiners, to consist of adjutant general, 1 appointee of commander in chief and 1 of colonel of 1st regiment: to pass on examinations of officers for promotion. 20 §10, 16 Mr 03
- m5 Okl. Creating Board of Osteopathic Registration and Examination, to consist of 3 members appointed by governor; term 3 years; to license on approval of diploma and on examination. 22, 17 Mr 03
- m6 Or. Creating Board of Inspectors of Child Labor consisting of 5 members, 3 of them women, to be appointed by governor for 5 years; powers and duties. p.79, 16 F 03
- m7 Or. Creating Board of Health, to consist of 7 physicians, 6 to be appointed by governor with consent of Senate, and a secretary elected by board and known as state health officer; salary \$5000; powers and duties. p.82, 17 F 03
- m8 Or. Creating Board of Portage Commissioners, consisting of governor, secretary of state and treasurer, to construct and operate state portage railway between highest and lowest points of

- navigable waters of Columbia river, between The Dalles and Celilo; biennial report to Legislature; \$165,000. p.108, 17 F 03
- m9 Or. Creating Veterinary Medical Board of 5 members, to be appointed by governor for 4 years; to license to practise on diploma or examination. p.154, 24 F 03
- n Or. Establishing Bureau of Labor Statistics and Inspector of Workshops and Factories: to be in charge of state commissioner of Bureau of Labor Statistics; to be appointed for 4 years by governor, secretary of state, and treasurer; salary \$1800; biennial report to Legislature. p.205, 24 F 03
- n1 Or. Creating Board of Commissioners for licensing sailors' boarding houses and hotels, to consist of 3 designated residents of Portland; governor, secretary of state and treasurer constituted a state board to appoint in case of vacancy, or remove commissioners. p.238, 24 F 03
- n2 Pa. Establishing Department of Fisheries, state commissioner of fisheries and 4 other members to constitute Fisheries Commission; to be appointed by governor with consent of Senate for 4 years; commissioner to be executive officer, with salary \$3500; to serve also as superintendent of state fish hatcheries; [replacing Board of Fish Commissioners created by '01 ch.203]. 92, 2 Ap 03
- n3 Pa. Creating Division of Public Records in State Library; to be governed by trustees under direction of state librarian; to have custody of state papers. 135, 14 Ap 03
- n4 Pa. Establishing Department of Mines: [replacing Bureau of Mines in Department of Internal Affairs]; department to consist of chief and staff of assistants; chief to be appointed by governor with consent of Senate for 4 years, with salary \$4000; qualifications, powers and duties; state mine inspectors and Board of Mine Examiners to report annually to chief, and chief to governor. 137, 14 Ap 03
- n5 Pa. Establishing State Highway Department, to consist of state highway commissioner and staff of assistants; commissioner to be appointed by governor with consent of Senate, for 4 years, with salary \$3500; qualifications, powers and duties; report to governor; \$6,500,000 appropriated for 1904-9. 141, 15 Ap 03
- n6 R. I. Creating permanent Statehouse Commission to have custody of state house and grounds; 3 commissioners to be appointed for 6 years by governor with consent of Senate; powers and duties; \$3500 annual appropriation; [replacing temporary Board of Statehouse Commissioners established by '93 ch.1201]. 1051, 11 D 02
- n7 R. I. Creating Board of Examiners of Barbers, to consist of 3 members appointed by governor with consent of Senate for 3 years; to license to practise on examination. 1100, 17 Ap 03
- n8 S. C. Abolishing office of state phosphate inspector; powers and duties transferred to Board of Phosphate Commissioners. Amending C. C. §136. 6, 23 F 03

## CONSTITUTIONAL LAW STATE DEPARTMENTS

- 1 S. D. State Firemen's Association, comprising municipal fire departments of state, constituted state institution; \$1000 annual appropriation. 24, '03
- 1 S. D. Public examiner constituted state superintendent of banks and authorized to appoint on approval of governor 2 deputy public examiners with salary \$1500 each and clerk at \$900; powers and duties; semiannual inspection of banks and report to governor. Amending P. C. '03 §111, 114-15. 79, §2-4, 6 Mr 03
- 2 S. D. Reorganizing Board of Charities and Corrections; to consist of 3 [formerly 5] commissioners; term 6 years; provision for continuation of board by partial renewal; salary \$1500 [formerly \$3 a day]; powers and duties; *monthly* [formerly annual] inspection of state charitable and penal institutions. Amending P. C. '03 §171-85. 86, 26 F 03
- 3 S. D. Creating Board of Medical Examiners to consist of 4 regular, 1 eclectic and 2 homeopathic physicians appointed by governor for 3 years [formerly Board of Health served as examining board]; to license on approval of diploma and examination. Repealing P. C. '03 §254-60. 176, 5 Mr 03
- 4 S. D. Abolishing office of state oil inspector; dividing state into 3 oil inspection districts; governor to appoint 1 oil inspector *for each district* for 2 years; salary \$1500 [formerly \$1000]; powers and duties; annual reports to state auditor and to governor. Amending P. C. '03 §3124-40. 189, 10 Mr 03
- 15 S. D. State Horticultural Society constituted Department of Horticulture; secretary of society to report annually to governor; 1000 copies of annual proceedings to be printed by state. 215, '03
- 26 S. D. Providing for reappointment and continuation of Board of Agriculture, *Horticulture, Manufactories, and Domestic Arts*. Amending P. C. '03 §158, 164, 170. 216, 10 Mr 03
- 27 Tenn. Creating office of state game warden, to be appointed by governor for 4 years; no salary; state warden may appoint deputy game warden for each county; powers and duties; state and deputy wardens to enforce also '03 ch.118 protecting nongame birds. 169, 3 Ap 03
- 28 Tenn. Creating office of chief mine inspector, to be appointed by governor for 4 years; salary \$2200; to appoint with approval of governor district mine inspectors with salary of \$1320 each; qualifications, powers and duties; monthly reports by district inspectors to chief, annual report by chief to governor; [formerly mines were inspected by state commissioner of labor statistics and mines]. Amending '91 ch.157. 237, 15 Ap; 346, 15 Ap 03
- 9 Tenn. Creating Board of Law Examiners to consist of 3 lawyers appointed by Supreme Court for 3 years; salary \$250; court to license to practise on examination by board; annual statement by board to secretary of state. Repealing C. §5777, 5779. 247, 30 Mr 03



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- q1 **Tex.** Creating Board of Embalming to consist of 5 members appointed by state health officer, for 2 years; to examine and license embalmers. 95, 31 Mr 03
- q2 **Tex.** Establishing Bureau of Vital Statistics under State Quarantine Department and changing name of latter to Department of Public Health and Vital Statistics. 135, 1 Ap 03
- q3 **Tex.** Creating Textbook Board to consist of governor, attorney general, state commissioner of insurance, statistics and history, state superintendent of public instruction and 3 teachers appointed by governor; to adopt uniform textbooks; [replacing board created by '97 ch.164]. ex. sess. 12, 15 My 03
- q4 **U.** Creating Board of Sheep Inspectors, to consist of 5 members appointed by governor for 2 years: state sheep inspector also appointed by governor for 2 years; salary \$1500; powers and duties; state inspector to appoint county deputies; board to report annually to governor. 42, 9 Mr 03
- q5 **U.** Creating Arid Land Reclamation Fund Commission, to consist of 5 members appointed by governor and Senate for 2 years; to secure construction of reservoirs and irrigation works by United States, in accordance with U. S. '02 ch.1093; \$6000. 71, 12 Mr 03
- q6 **U.** Creating office of state chemist to be appointed for 2 years by governor with consent of Senate; salary \$1000; to analyze food submitted by state dairy and food commissioner; biennial report to latter. 97, 12 Mr 03
- q7 **U.** State engineer to be appointed by governor with consent of Senate for 4 years; salary \$3000 [formerly \$2000]; authorized to appoint necessary assistants and secure necessary equipment; to divide state into water divisions and appoint state superintendent for each; to subdivide division into districts and appoint district supervisors, with approval of superintendent; system of reports; state engineer to report biennially to governor; \$25,000. Repealing '07 ch.38, '01 ch.125. 100, 12 Mr 03
- q8 **U.** Creating Board of Examiners of Barbers, to consist of 3 members appointed by governor for 3 years; to license on examination; annual report to governor; act to apply to cities of 5000. 137, 24 Mr 03
- r **Vt.** Creating Court of Claims, to consist of auditor of accounts and 2 appointees of governor; term 2 years; to determine all claims, except those specially provided for by law; biennial report to be included in report of state auditor of accounts. 38, 39, 12 D 02
- r1 **Vt.** Creating Board of Cattle Commissioners of 3 members to be appointed by governor for 3 years; to have powers and duties relative to infected live stock previously exercised by Board of Agriculture; annual report of board to governor. Amending S. '94 §480-20 85, 10 D 02
- r2 **Va.** Establishing permanent Commission for Promotion of Uniformity of Legislation in United States; governor to appoint 3

## CONSTITUTIONAL LAW STATE DEPARTMENTS

commissioners; term 2 years; powers and duties; [previous laws provided only for temporary commissions]. 109, 28 Mr 03

**Va.** Reorganizing Board of Penitentiary Directors: governor *with consent of Senate* to appoint 5 [formerly 3] directors for 5 years [formerly 1]; board to appoint institutional officers; powers and duties. Amending C. §232 '92 ch.313, '00 ch.1137, '02 ch.581.

171, 172, 175, 24 Ap 03

**Va.** Creating Board of Examiners of Graduate Nurses to consist of 5 members, to be appointed by governor on nomination by Virginia State Association of Graduate Nurses; term 5 years; to license on approval of diploma and on examination. 191, 1 My 03

**Va.** Reorganizing State Library, according to Constitution '02 §132: State Library Board [formerly joint legislative committee appointed biennially] to consist of 5 members appointed for 5 years by Board of Education; to appoint state librarian [formerly secretary of commonwealth], to serve also as secretary of board; powers and duties; annual report by board to governor.

253 §1-18, 15 My 03

**Wash.** Creating Board of Accountancy, to consist of 5 members appointed by governor on nomination by Washington Association of Public Accountants; to issue certificates to practise on examination; fees; annual report to governor. 72, 12 Mr 03

**Wash.** Creating Oyster Commission, to consist of governor, state commissioner of public lands and state fish commissioner; to protect and develop oyster reserves, and to grant licenses.

166, 16 Mr 03

**Wash.** Creating State Library Commission, to consist of governor, judges of Supreme Court and attorney general; to appoint state librarian to serve as secretary of commission and to have charge of State Library; creating also Advisory Board to consist of superintendent of public instruction, 2 members appointed by governor, and 2 members appointed by latter on recommendation of State Historical Society and State Federation of Women's Clubs, for term of 4 years; to advise commission relative to establishing free and traveling libraries and to management of historical department of State Library; abolishing State Library Commission created by '01 ch.43. 171, 17 Mr 03

**Wash.** Creating Washington State Historical Society a state trustee to collect data illustrative of history of state; board of curators to consist of governor, secretary of state and treasurer; biennial publication of collections. 177, 7 Mr 03

**Wash.** Supreme Court may appoint for 1 year Board of Bar Examiners to consist of 3 members of court of 5 years' standing; powers and duties; law graduates of State University admitted without examination or fees. Amending Ann. C. & S. '97 §4759, 4762. 185, 12 Mr 03

**Wash.** State dairy and food commissioner constituted state dairy, food and oil commissioner; \$300 increase of salary. Amending '99 ch.113 §6. 187, 21 Mr 03

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- 82 **Wis.** Creating Board of Examiners of Barbers, to consist of 3 members appointed by governor for 2 years; to inspect barber shops; to license to practise on examination. 191, 11 My 03
- 83 **Wis.** State bakery inspector to be appointed by commissioner of labor for 2 years, with same powers as state factory inspector; salary \$1000. 230 §6, 12 My 03
- 84 **Wis.** Free Library Commission to establish Department of Traveling Libraries in charge of officer specially qualified; to aid in establishing traveling libraries and to cooperate with other state library commissions in publication of documents; \$12,000 [formerly \$4000] annual appropriation. Amending S. '98 §373a-b, '99 ch.53. 348, 20 My 03
- 85 **Wis.** Conferring on state commissioner of banking, powers and duties of bank examiner. 429, 22 My 03
- 86 **Wis.** Creating Department of State Forestry: Board of State Forest Commissioners to consist of governor with 2 appointees, secretary of state, state treasurer and attorney general; board to appoint superintendent of state forests to serve as secretary, and *state forest warden* [formerly chief clerk of land office]; salary \$2500; to supervise firewardens and *trespass agents*; to appoint *town firewardens*; powers and duties. Repealing S. '98 §1636b-c, '01 ch.432 §8. 450, 22 My 03
- 87 **Wy.** Abolishing state inspector of coal mines: dividing state into mine inspection districts; governor with consent of Senate to appoint state inspector for *each district*; term 6 [formerly 2] years; powers and duties. Repealing R. S. '99 §110-15. 23, 17 F 03
- 88 **Wy.** State geologist constituted state inspector of mines other than coal mines; powers and duties; metalliferous mines and metallurgical plants employing 5 or more men to report annually to state inspector; penalties. 35, 18 F 03
- t **Wy.** Changing name of State Land Commissioners created by Constitution art.7 §13, to State Board of School Land Commissioners, distinguishing it from Board of Land Commissioners, created by Constitution art.18 §3. Generally amending R. S. '99 §702-815. 78, 21 F 03
- ti **Wy.** Creating office of state chemist, to be held by professor of chemistry of State University; salary \$2000; annual report to governor; assistant state chemist, to be chosen by board of trustees; salary \$1000; to analyze foods, drugs, drinks and illuminating oils. 82, 21 F 03

58 **Temporary boards and officers**

The entries under this head are also duplicated under the special subjects to which they pertain. They are grouped here primarily for the use of the document librarians and the student of state administration. See also Special investigations, 53.

- a **Ark.** Board of State Capitol Commissioners, one member from each congressional district, to be elected by Legislature on separate nomination by 2 houses; to complete capitol building; [replacing board created by '01 ch.132]. 146, 16 Ap 04

## CONSTITUTIONAL LAW STATE DEPARTMENTS

- a1 **Cal.** Governor constituted commissioner to have charge of exhibit at Lewis and Clark Exposition; \$20,000. 187, 18 Mr 03
- a2 **Cal.** Governor to appoint Louisiana Purchase Exposition Commission, consisting of 2 members; monthly report to governor; report on exhibits suitable for Lewis and Clark Exposition; \$130,000. 315, 25 Mr 03
- a3 **Cal.** Governor to appoint commissioner for revision and reform of law; duties; salary [replacing board of 3 commissioners created by '95 ch.222]. 362, 25 Mr 03
- a4 **Col.** Governor, auditor of state and attorney general to constitute Board of Control of State Surplus Fund, to pay deficiencies incurred in 1897 to 1900 for state institutions; powers and duties. 49, 8 Ap 03
- a5 **Ct.** Temporary examiner of public records to be appointed by governor for 2 years; to compile list of town, probate, state, and church records; salary \$1000; report to governor January 1905. 165, 9 Je 03
- a6 **Del.** Joint legislative committee of 3 senators and 3 representatives to be appointed to advise with attorney general and counsel as to termination of boundary controversy with New Jersey, pending in Supreme Court; 5 designated commissioners appointed to frame compact, for submission to respective Legislatures. 472, 23 F; 473, 9 Ap 03
- a7 **Del.** Joint committee consisting of 1 senator and 2 representatives to be appointed to supervise printing of Duke of York Records. 487, 9 Mr 03
- a8 **Fla.** Governor to appoint 3 commissioners to revise statutes; regulations; compensation; to present revision to Legislature of 1905; \$2500. 162, 3 Je 03
- b **Ga.** Governor and 4 designated persons to constitute Georgia Soldier Roster Commission; to prepare muster roll of confederate veterans in Civil War; \$5000. p.7, 15 Ag 03
- b1 **Id.** Designating 7 commissioners to locate and erect Supreme Court building and library at Lewiston on donation of site; on completion deputy clerk of Supreme Court to have charge; commissioners to report to governor; \$15,000. p.42, 20 F 03
- b2 **Id.** Governor and 5 appointees to constitute Louisiana Purchase Exposition and Lewis and Clark Exposition Commission; to have charge of exhibits; to appoint executive commissioner; commission to report to governor; \$35,000. p.279, 4 Mr 03
- b3 **Ill.** Governor with consent of Senate to appoint Board of Cache River Drainage Commissioners for 2 years; salary \$500; to estimate cost of dredging Cache river; annual report to governor; \$10,000. p.27, 16 My 03
- b4 **Ill.** \$150,000 for monuments in Vicksburg National Military park, to mark position of state forces during siege; 9 commissioners to be appointed by governor from veterans participating in campaign. p.48, 14 My 03

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- b5    **Ill.** Commission consisting of 3 appointees of governor to distribute funds to destitute families in Sweden and Finland; \$5000.  
82, 4 Mr 03
- b6    **Ill.** Governor to appoint 5 commissioners to purchase statue of Frances E. Willard to be erected in National Statuary hall at Washington; \$9000. Reenacting '99 p.23. p.82, 16 Ap 03
- b7    **Ind.** Commission consisting of governor, lieutenant governor and 5 citizens appointed by the governor to purchase testimonial sword for Rear Admiral Taylor, commander of battle ship *Indiana* at Santiago; \$1600. 2, 16 Ja 03
- b8    **Ind.** Governor to appoint commission consisting of 3 trustees to erect monument to pioneers massacred at Pigeon Roost; report to governor by Dec. 15, 1903; \$2000. 14, 11 F 03
- c    **Ind.** Governor to appoint Louisiana Purchase Exposition Commission of 15 members, to prepare exhibit; final report to governor; \$150,000. 201, 9 Mr 03
- c1    **Ind.** Commission of 5 veterans to be appointed by governor to aid National Park Commission in determining position of Indiana organizations at siege of Vicksburg; report to governor by Jan. 30, 1905; \$1000. 210, 9 Mr 03
- c2    **Me.** Designating members of joint legislative committee to supervise revision of public laws. Supplementing '01 r.221. r.22, 4 Mr 03
- c3    **Mass.** Providing for appointment of Board of Managers of Louisiana Purchase Exposition, to consist of 5 members appointed by governor with consent of Council; to prepare exhibit; \$100,000. r.42, 9 Ap 03
- c4    **Mass.** Appointing committee to represent Massachusetts at dedication of monument at Vicksburg; \$5800. r.65, 30 Ap 03
- c5    **Mich.** Commission consisting of governor and 3 appointees to erect monument at Andersonville to commemorate prison sufferers of Civil War; \$6000. 43, 16 Ap 03
- c6    **Mich.** Governor and 5 appointees to constitute Board of Managers of Louisiana Purchase Exposition; to erect building and prepare exhibit; reports to governor; \$50,000. 196, 10 Je 03
- c7    **Mich.** Governor to appoint 3 commissioners to determine position of state troops at siege of Vicksburg; report to governor by Jan. 15, 1904. 240, 18 Je 03
- c8    **Mich.** Governor to appoint 3 commissioners to erect monument in Monroe, commemorating massacre of River Raisin, in 1813; \$5000. p.440, 18 Je 03
- d    **Minn.** Governor to appoint 3 commissioners to erect monument and tablets in Vicksburg National park commemorative of state troops participating in siege of Vicksburg; \$1000. 136, 8 Ap 03
- d1    **Minn.** Board of commissioners consisting of adjutant general and commanding officers of 4 participating regiments to compile history of volunteers in Spanish War; board may employ editor; \$2500. 249, 18 Ap 03

## CONSTITUTIONAL LAW STATE DEPARTMENTS

- d2** **Mo.** Louisiana Purchase Exposition: governor to appoint bipartisan commission of 9 members, to erect buildings and have charge of exhibits; \$990,000. p.47, 24 Mr 03
- d3** **Mon.** Designating 15 persons as commissioners for Louisiana Purchase Exposition, to erect building and prepare exhibit; on close of exposition to transfer exhibit to Lewis and Clark Exposition at Portland; final report to governor by January 1905. ex. sess. 1, 27 My 03
- d4** **Neb.** Governor to appoint 3 commissioners to confer with South Dakota commission on boundary line; term to expire by January 1905; proviso; report to governor; \$1000. 111, 8 Ap 03
- d5** **Neb.** Governor to appoint 3 commissioners to confer with Iowa commission on boundary line; term to expire by January 1905; proviso; report to governor; \$1000. 112, 8 Ap 03
- d6** **Neb.** Governor to appoint 5 commissioners for Louisiana Purchase Exposition; to prepare exhibit and erect building; disposition of property; reports to governor; \$35,000. 153, 8 Ap 03
- d7** **Neb.** Governor to appoint 5 commissioners to locate site on capitol grounds at Lincoln and erect monument to Abraham Lincoln, on approval of Board of Public Lands and Buildings; \$1000. 157, 14 Ap 03
- d8** **Nev.** Governor to appoint 3 commissioners to have charge of exhibit at Louisiana Purchase Exposition; \$20,000. 75, 13 Mr 03
- e** **Nev.** Governor to appoint special commissioner to secure payment of Nevada war claims against United States. 120, 20 Mr 03
- e1** **Nev.** Commission of 3 senators and 4 assemblymen to be appointed to confer with committee from California Legislature with regard to pollution of Truckee river. p.224, 23 F 03
- e2** **N. H.** Governor to appoint 3 commissioners, chosen from veterans participating, to erect monument in Vicksburg National Military park; \$5000. 138, 10 F 03
- e3** **N. J.** Designating members of New Jersey commission to confer with Delaware commission regarding boundary line, and respective rights in Delaware river. p.39, 5 Mr 03
- e4** **N. M.** Governor, secretary and treasurer of territory to constitute commission to refund indebtedness incurred by counties in aid of railroad construction; to issue bonds, and provide for sinking fund; procedure; county to pay expense of refunding. 89, 18 Mr 03
- e5** **N. C.** Designating 3 commissioners to compile and revise public statute laws; to submit revision to Legislature of 1905; salary \$1000 each, limited to 2 years. 314, 2 Mr 03
- e6** **N. C.** Louisiana Purchase Exposition Commission to be appointed by governor to consist of 10 members from the several congressional districts; \$10,000. p.1176, 1179, 9 Mr 03
- e7** **N. D.** Appointing World's Fair Commission of 5 members; to provide exhibit for Louisiana Purchase Exposition at St Louis in 1904 and Lewis and Clark Centennial Exposition at Portland in

## N. Y. STATE LIBRARY SUMMARY OF LEGISLATION 1903

- 1905; transfer of exhibits; commissioners to hold office till close of exposition of 1905; \$50,000. 34, 17 Mr
- f Or. Lewis and Clark Centennial Exposition Commission consist of 11 members to be appointed by governor; to hold exhibit in Portland, May 1 to Nov. 1, 1905; organization, powers and duties; \$500,000. p.6, 30 Jr
- f1 Pa. State Military Board with major general commanding division and 3 brigadier generals of National Guard to constitute commission to purchase land for permanent encampment group; \$35,000. 150, 15 Ap
- f2 Pa. Extending 2 years term of commissioners appointed in 1899 to compile and publish laws prior to 1800. Supplementing ch.70. 162, 16 Ap
- f3 Pa. Governor to appoint 3 commissioners to confer with representatives of several commands in purchasing land and erect monuments to mark position of state troops at siege of Vicksburg; proviso; \$15,000. 379, 15 My
- f4 Pa. Governor and 2 appointees to supervise erection of monument to commemorate engagement in Hanover, June 30, 1863; \$7500. 393, 15 My
- f5 Pa. Governor to appoint 5 commissioners to provide monument at Germantown to commemorate battle; \$10,000. 428, 15 My
- f6 Pa. Louisiana Purchase Exposition Commission to consist of 17 legislators, 5 designated state officials and 10 persons appointed by governor; \$300,000; [replacing commission created by '01 p.3 p.542, 4 Jr
- f7 Pa. Designating 3 commissioners to purchase silver service for battleship *Pennsylvania*; committee of presentation; \$25,000. p.544, 6 Ar
- f8 Pa. Governor to appoint 3 commissioners to preserve, catalogue and bind historical manuscripts; collection to be placed in State Library; \$10,000. p.545, 15 Ar
- f9 R. I. Joint special committee appointed by '02 r.35 to be continued; to purchase site and erect monument at Andersonville; \$6500. r.1, 4 Jr
- g R. I. Louisiana Purchase Exposition Commission, to consist of 4 members appointed by speaker of house and 3 by governor to erect building and prepare exhibit; report to Legislature; \$35,000. 1103, 17 Ap
- g1 S. C. Governor to appoint 5 commissioners to locate site and erect monument on capitol grounds to Gen. Wade Hampton; \$20,000 appropriation when \$10,000 raised by subscription. 171, 19 Jr
- g2 S. D. Governor to appoint 3 commissioners, on appointment similar commission by Nebraska, to fix boundary line between states; \$1000. 16, 9 Mr
- g3 S. D. Governor to appoint 3 commissioners for Louisiana Purchase Exposition to prepare exhibit; report to governor; \$35,000. 43, 11 Mr

## CONSTITUTIONAL LAW STATE DEPARTMENTS

- 4 **Tenn.** Governor to appoint Louisiana Purchase Exposition Commission, consisting of 10 men chosen from several congressional districts and 3 women from grand divisions of state; to prepare exhibit; to appoint member as secretary of commission and director of exhibits; salary; report to Legislature of 1905; \$40,000. 250, 15 Ap; 251, 10 Ap 03
- 5 **Tenn.** Commission of 3 members to be appointed by governor to confer with Arkansas commission on boundary line; report to Legislature of 1905. 420, 15 Ap 03
- 6 **Tex.** Designating governor, president of Agricultural and Mechanical College and State Commission of Agriculture a commission to pass on practical remedies for extermination of cotton boll weevil and award \$50,000 appropriated for purpose; \$2500. 53, 23 Mr 03
- 7 **Tex.** Governor to appoint commissioner to act with United States commissioner in marking western boundary line between Texas and New Mexico and northern line between Texas and Oklahoma. ex. sess. 7, 30 Ap 03
- 8 **U.** Governor to appoint 2 commissioners to negotiate with Arizona regarding annexation to Utah of territory north of Colorado river. 2, 4 F 03
- h **U.** Louisiana Purchase Exposition Commission to consist of governor and 4 members appointed by governor with consent of Senate; duties; quarterly report to auditor and final report to governor; \$50,000. 95, 12 Mr 03
- h1 **U.** Lewis and Clark Centennial Exposition Commission to consist of governor and 4 members appointed by him with consent of Senate; duties; quarterly report to state auditor and final report to governor; transfer of exhibits from St Louis; \$10,000. 96, 12 Mr 03
- h2 **Vt.** Governor to appoint for 2 years Bridge Commission of 3 members to confer with New Hampshire commission to consider the freeing of toll bridges between the 2 states; report to Legislature of 1904. 159, 12 D 02
- h3 **Vt.** Commissioner to be appointed by governor to act with state engineer and surveyor of New York to replace boundary line monuments between the states; report to governor. 163, 4 D 02
- h4 **Vt.** Joint committee on Louisiana Purchase Exposition of 1904, consisting of 5 senators and 9 representatives, to be appointed by presiding officer of each house; to report to respective houses relative to state representation at exposition. 407, 18 N 02
- h5 **Va.** Virginia Commission to Louisiana Purchase Exposition to consist of state commissioner of agriculture and 2 appointees of governor; to prepare exhibit; \$50,000. 41, 20 D 02
- h6 **Va.** Commission of 5 senators and 5 delegates to be appointed to select and contract for statue of Gen. Robert Edward Lee and to present same to federal government to be placed in National Statuary hall at Washington; \$10,000. 243, 15 My 03



- i1 **Wash.** Governor to appoint Louisiana Purchase Commission of 9 members; commission to make final report to governor; \$75,000. p.18
- i2 **Wash.** Governor to appoint Lewis and Clark Exposition of 7 members; salary of executive commission \$10,000 per month; suitable exhibits to be transferred from Louisiana Purchase Exposition; final disposition of exhibit. p.18
- i3 **Wis.** Governor to appoint 3 veterans as commission monuments in Vicksburg National park marking positions occupied by state troops; report to governor; \$30,000. p.30
- i4 **Wis.** Governor to appoint 3 prisoners at Andersonville War as commissioners to erect monument in Andersonville cemetery; report to governor; \$10,000. p.32
- i5 **Wy.** Louisiana Purchase Exposition Commission of 5 members to be appointed by governor; salary of commission \$2000; \$25,000.

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## Special investigations

The entries under this head are also duplicated under the special subjects to which they pertain. They are grouped here primarily for the use of the document and the student of state administration.

- a **Ct.** Governor to appoint reformatory commission, composed of 5 members; to investigate commitment to jails and penitentiaries of other states; to select site and plans for Connecticut Reformatory for Men; report to governor of 1905; \$50,000. p.1
- b **Ga.** Providing for commission to be composed of 2 senators and 3 representatives, also 3 members of bar appointed by governor to investigate registration of land titles, specially the Timberland Act, and report to Legislature of 1904. p.6
- c **Ga.** State commissioner of agriculture, state chemist, geologist and 3 appointees of governor to constitute commission to investigate damages done to timber, fruit and agricultural products by smelting of copper ores at Ducktown. p.65
- d **Ga.** Joint committee of 3 senators and 5 representatives to investigate and report to Legislature of 1904 on revision of laws. p.69
- e **Ill.** Designating 3 members of Good Roads Commission to investigate systems and report to Legislature of 1904. p.30
- f **Ind.** Superintendent of Indiana Reformatory, warden of Indiana State Prison, secretary of Board of State Charities and 3 appointees of governor to constitute prison commission to investigate conditions of jails, workhouses and prison lands; report to Legislature of 1905. p.24
- g **Kan.** Governor to appoint commissioner to hold office from January 1, 1904, to examine outstanding union military scrip

## CONSTITUTIONAL LAW STATE DEPARTMENTS

auditor and commissioner to prepare classified list and report to Legislature of 1905 on plan for payment of scrip; \$2200.

46, 13 Mr 03

- h Mass.** Bureau of Statistics of Labor to consider expediency of establishing free employment offices; report to Legislature of 1904.

r.70, 4 My 03

- i Mass.** Governor with advice of Council to appoint 3 commissioners to investigate condition of adult blind and consider expediency of establishing industrial training institution; report by Jan. 15, 1904.

r.74, 9 My 03

- j Mass.** Governor with consent of Council to appoint committee of 3 or more persons to draft bill whereby General Court may authorize city, town or state commission to take land for public works and, after using as much as needed, to lease or sell the rest; report to Legislature of 1904; \$1000.

r.86, 5 Je 03

- k Mass.** Governor with consent of Council to appoint committee on relations between employer and employee consisting of 1 representative of employers, 1 of laborers, and 3 other persons; to consider specially employers liability, conduct of strikes, injunctions in case of strikes, blacklisting, disability funds, industrial partnerships and industrial courts; report to Legislature in 1904; \$5000.

r.87, 5 Je 03

- l Mass.** State Board of Charity to investigate number of persons under 21 unable to attend school because of deformity; report to Legislature in 1904; \$500.

r.96, 19 Je 03

- m Mass.** Board of Health to investigate dumping of garbage and rubbish into harbors, and along coast of Massachusetts bay; report to Legislature; \$1000.

358, 15 Mr 03

- n Nev.** Board of Irrigation to direct expenditure for investigation of methods of irrigation by agents of United States Department of Agriculture and Nevada Agricultural Experiment Station; \$2000.

47, 9 Mr 03

- p N. H.** Governor with consent of Council to appoint committee of 5 members to formulate plan for enlargement of State Library building; report to Legislature of 1905; \$250.

63, 7 Mr 03

- q N. H.** Governor and Council to constitute commission to prepare state highway law; highway engineers may be appointed to procure maps of local and main highways to be used as basis for outlining system; plan of state aid; report to Legislature of 1905.

133, 2 Ap 03

- r N. H.** State Forestry Commission with approval of governor and Council to procure examination of forest lands of White mountain region by United States Bureau of Forestry; report of bureau to Legislature of 1905; \$5000.

139, 24 F 03

- s N. J.** State Geological Survey to survey for tide waterway between Bayhead and Manasquan inlet for reclamation of oyster and clam beds; report to governor; \$1000.

129, 7 Ap 03

## LIBRARY SUMMARY OF LEGISLATION

1. **N. J.** Governor to appoint 5 commissioners to inquire into the need for uniform legislation; report to Legislature of 1904.
2. **N. J.** Legislatures of New Jersey and Delaware to appoint 10 members to draft uniform laws to regulate the liquor traffic; report in 2 years to Legislatures.
3. **N. J.** Governor to appoint 5 commissioners to inquire into the advisability of establishing a normal school for women.
4. **N. Y.** Governor to appoint 5 commissioners to investigate pollution of New York bay by contemplated sewers in New Jersey and confer with New Jersey on means of averting danger; report to Legislature of 1904.
5. **N. Y.** Governor to appoint 3 commissioners to inquire into the adult blind and expediency of establishing institutions; report to Legislature by February 1, 1904.
6. **N. C.** Joint committee consisting of governor, chief justice and 2 representatives to prepare plans for equalization of taxes; report to Legislature of 1905.
7. **Q.** Commission of 5 members to be appointed by governor to investigate the feasibility of providing state institutions for blind children; report to governor by December 1, 1904.
8. **Or.** State Land Board to appoint irrigation commission consisting of 2 attorneys, 2 practical irrigators and civil engineer to amend present irrigation laws and regulations; report to Legislature of 1905.
9. **Pa.** State Live Stock Sanitary Board to investigate disease among animals, specially tuberculosis among cattle; publish in bulletin of Department of Agriculture.
10. **R. I.** Designating 5 commissioners to investigate the condition of state in Providence harbor and Narragansett bay; report to Legislature at January session, 1904. \$5500.
11. **R. I.** Commission on state sanatorium for consumption to be continued; additional appropriation by act of 1904 to be continued; additional appropriation by act of 1904.
12. **S. C.** Joint committee of 3 representatives and 2 senators to consider means of putting state on cash basis; report to Legislature by January 1904.
13. **Tenn.** Governor to appoint 3 commissioners to investigate the condition of state; report to Legislature of 1905.
14. **U.** Governor to appoint commission of 3 persons to advise and assist general in drafting bill for uniform system of taxation; report to Legislature of 1905.

## CONSTITUTIONAL LAW STATE DEPARTMENTS

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- 24 **Vt.** Tuberculosis commission consisting of 5 members to be appointed by governor, to investigate extent of disease and need of sanatorium; report to Legislature of 1904. 116, 2 D 02
- 25 **Vt.** Requesting Agricultural Experiment Station to make study of agricultural seeds, and report to Legislature of 1904. 409, 20 N 02
- 26 **Va.** Joint committee of 2 designated senators and 3 delegates to investigate and report to Legislature on leasing of barren area and exhausted oyster bottom within Baylor geodetic survey; Board of Fisheries to cooperate. 137, 7 Ap 03
- 27 **Wis.** Authorizing state and local boards of health, also state commissioner of labor to inspect tenement houses; commissioner to include special report on tenement houses in next biennial report. 203, 11 My 03
- 28 **Wis.** Governor to appoint 3 commissioners to investigate advisability of establishing state park near Devil's Lake; report to governor by Mar. 1, 1904. 232, 13 My 03
- 29 **Wis.** Governor and 6 appointees to constitute commission to recommend plans for accommodation of State Law Library and Supreme Judiciary by enlargement of capitol building; \$10,000 appropriation for architects; on approval of plan by Ap. 1, 1904, commission to execute same; \$100,000. 399, 21 My 03
- 310 **Wis.** Governor to appoint 3 commissioners to investigate conditions relating to tuberculosis and feasibility of state sanatorium for consumptives; report to governor by Dec. 1, 1904. p.776.'03

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## State institutions

The entries under this head are also duplicated under the special subjects to which they pertain. They are grouped here primarily for the use of the document librarian and the student of state administration. See also Corrections, 335; Charities, 214c; Education, 2220

- 61 **Establishment. Reorganization. Change of name**
- a **Ari.** Changing name of Insane Asylum to Territorial Asylum for the Insane. Amending R. S. '87 §2461. 13, 12 Mr 03
- b **Ari.** Name of Territorial Reform School for Juvenile Offenders changed to Territorial Industrial School. Amending R. S. '01 §3733. 72, 19 Mr 03
- c **Col.** State Fish Hatchery in La Plata county to be removed to city of Durango; state fish commissioner with approval of governor to acquire site by gift; \$2000. 22, 11 Ap 03
- Ct.** Establishing State Hospital for Insane at Norwich, on town's donation of site; managing board to consist of governor and 12 trustees appointed by Senate, one from each county and 4 from vicinity; term 6 years; powers and duties; to elect treasurer, and superintendent to act as physician and supervise erection of buildings; \$100,000. 179, 12 Je 03
- Fla.** Amending R. S. '92 §270-77, '95 ch.41 relating to Florida School of Blind, Deaf and Dumb: managing board of trustees

## N. Y. STATE LIBRARY SUMMARY OF LEGISLATION 1903

[formerly Board of Education] to consist of 5 appointees of governor; term 4 years; state treasurer to be treasurer of board; annual report to *Board of Education* [formerly to Legislature].

104, 4 Je

- f Fla. Establishing Florida Agricultural Institute: board of control to consist of commissioner of agriculture, state treasurer and superintendent of institute as ex officio members and 5 appointees of governor; term 4 years; biennial report to governor to be published with report of commissioner of agriculture; \$50 annual appropriation.

166, 4 Je

- g Fla. Name of Florida Agricultural College, established in 18, changed to University of Florida.

167, 30 Ap

- h Fla. \$10,011.30 for purchase of site for State Armory at K West, to be in charge of governor.

178, 14 My

- i Fla. Providing for appointment of board of appraisers to purchase with approval of governor site for State Armory at Apalachicola.

179, '

- j Fla. Amending '95 ch.13, '97 ch.54 relating to South Florida Military College at Barstow [formerly known as South Florida Military and Educational Institute]; managing board [formerly Board of Education] to consist of adjutant general and 6 members appointed by governor with consent of Senate, for 4 years; state treasurer to serve as treasurer; annual report of trustees to be included in that of state superintendent of public instruction.

181, '

- k Ind. Establishing Industrial Reform School in Fremont county; site to be selected by commission of 5 members to be appointed by governor; governor, with consent of Senate, to appoint board of trustees, for 4 years; board to appoint superintendent.

p.12, 16 F

- l Ill. \$10,000 for erection of State Armory at Bloomington.

p.49, 16 My

- m Ill. Name of Illinois Institution for Education of Deaf and Dumb changed to Illinois School for the Deaf. Amending 'p.104 §1.

p.93, 16 My

- n Ind. Changing name of Indiana Reform School for Boys to Indiana Boys School. Amending Horner's R. S. '01 §6203

87, 5 Mr

- p Ind. Commission consisting of governor, attorney general and board of trustees of Institution for Education of Deaf and Dumb to sell real estate and relocate said institution.

217, 9 Mr

- q Ind. Indiana Industrial School for Girls to be separated from Woman's Prison; commission consisting of governor and 4 appointees to select sites and plans for buildings.

241, 11 Mr

- r Kan. Governor and state fish warden to establish fish hatcheries in locality suitable for fish propagation.

14, 13 Mr

- s Kan. Establishing Manual Training School at Pittsburg under direction of regents of State Normal School.

34, 21 F

## CONSTITUTIONAL LAW STATE DEPARTMENTS

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- Me.** Establishing Fish Hatchery at Rangeley lakes; \$6000.  
r.24, 11 Mr 03
- Me.** Establishing Fish Hatchery at Sebago lake; \$6000.  
r.27, 11 Mr 03
- Me.** Changing name of State Reform School to State School for Boys. Amending R. S. '83 ch.142 §1. 144, 24 Mr 03
- Mich.** Establishing Western State Normal School to train teachers for rural districts and primary grades; Board of Education to locate school on donation of site; \$30,000 for erection and equipment. 156, 27 My 03
- Mich.** Establishing Michigan Employment Institution for Blind: managing board of trustees to consist of governor and 3 members appointed by governor with consent of Senate; term 6 years; trustees, on donation of site, to locate institution in city of 10,000; to provide for erection and equipment of same; to establish industrial school and employment bureau; superintendent to be appointed by trustees; powers and duties; trustees to report biennially to governor; \$75,000 for erection and equipment. 169, 2 Je 03
- 4 **Minn.** Establishing second State Fish Hatchery at Glenwood; Board of Game and Fish Commissioners to acquire site, equip and maintain same; \$20,000. 211, 14 Ap 03
- 15 **Minn.** Establishing Minnesota Sanatorium for Consumptives; governor with consent of Senate to appoint 5 physicians as advisory commission, for 5 years; Board of Control of State Institutions to secure site, erect, equip and manage sanatorium; to employ superintendent of sanatorium; \$25,000. 316, 21 Ap 03
- 16 **Mo.** Changing name of State Reform School for Boys to Missouri Training School for Boys. Amending R. S. '99 §7755. p.202, 23 Mr 03
- 7 **Mo.** Changing name of State Hospital for Insane No. 1 to State Hospital No. 1; similar changes in names of other state hospitals for the insane. Amending '01 p.45. p.202, 24 Mr 03
- 3 **Mo.** Missouri Colony for Feeble-minded and Epileptic declared to be state eleemosynary institution. Amending R. S. '99 §7698. p.203, 21 Mr 03
- 7 **Mon.** Changing name of Montana Deaf and Dumb Asylum to Montana School for Deaf and Blind. Amending P. C. §2330. 10, 18 F 03
- 1 **Mon.** Changing name of State Normal School of Dillon to *State Normal College*; governor with approval of Board of Education to appoint executive board of 5 members. Amending P. C. §1652, 1656. 29, 25 F 03
- 2 **Mon.** Establishing substation of Agricultural Experiment Station near Billings. 118, 7 Mr 03
- 3 **Mon.** Erection and equipment of School for Feeble-minded at Boulder; \$30,000. p.309, 5 Mr 03

- v4 **Neb.** Providing for location and establishment of additional state normal school, on donation of site; management by State Board of Education; \$50,000. 90, 8 Ap 03
- v5 **Neb.** Establishing experiment substation to test adaptability of arid and semiarid lands to agriculture, horticulture and forestry; board of regents of State University to have management and power of appointment; \$15,000. 114, 8 Ap 03
- v6 **Nev.** Establishing Virginia City School of Mines; to be under direction and control of State Board of Education. 118, 20 Mr 03
- v7 **N. H.** Appropriating \$48,000, on donation of site, for erection of State Armory at Manchester; governor and Council to erect and equip armory and prescribe management. 104, 31 Mr 03
- v8 **N. H.** Fish and Game Commissioners under direction of governor and Council to erect State Fish Hatchery at Laconia; \$7500. 153, 7 Mr 03
- w **N. J.** Establishing additional state normal school: State Board of Education to locate site and erect building; board to report to Legislature annually; \$300,000. 96, 31 Mr 03
- w1 **N. J.** \$125,000 to establish State Armory in Newark; Military Board to acquire site and erect armory. Supplementing '88 ch.182. 204, 8 Ap 03
- w2 **N. M.** State institutions: establishing New Mexico Reform School in Taos, Rio Arriba or San Juan county; New Mexico Institute for Blind at Alamogordo; Miners Hospital of New Mexico; acceptance of United States grant of '98 ch.489; managing boards of trustees appointed by governor; also separate commissions to locate several sites. 2, 13 F 03
- w3 **N. M.** Establishing State Orphan Children's Home at Belen; managing board of 3 regents appointed by governor, for 2 years. 6, 24 F 03
- w4 **N. M.** Providing for erection of State Armory at Albuquerque: board of control to consist of adjutant general and 4 commissioned officers of National Guard to be appointed by governor for 4 years; board to erect armory and administer affairs. 53, 12 Mr 03
- w5 **N. M.** Providing for erection of State Armory at Las Vegas: board of control to consist of adjutant general and 4 commissioned officers of National Guard to be appointed by governor for 4 years; board to erect armory and administer affairs. 53, 12 Mr 03
- w6 **N. C.** Providing for establishment of State Training School for Teachers in western North Carolina; incorporators of Appalachian Training School to constitute board of trustees; \$2000 annual appropriation for maintenance; annual reports to state superintendent of public instruction. 798, 9 Mr 03
- w7 **N. D.** Establishing Institution for Feeble-minded at Grafton; to have custody of the epileptic, idiotic and imbecile of state and to give trade instruction where feasible; managing board of trustees to be appointed for 4 years by governor with consent of Senate;

## CONSTITUTIONAL LAW STATE DEPARTMENTS

- board to appoint superintendent; biennial report of trustees to governor. Repealing '01 ch.36. 108, 28 F 03
- 1 **N. D.** Submitting amendment to Constitution §215, subdiv.8 removing Institution for Feeble-minded from Jamestown to Grafton. *Vote November 1904.* p.294, 5 Mr 03
- 2 **N. D.** Submitting amendment to Constitution §215, subdiv.5 changing name of Deaf and Dumb Asylum to School for Deaf and Dumb of North Dakota. *Vote November 1904.* p.295, 2 Mr 03
- 1 **Okl.** Establishing Oklahoma Hospital for the Insane on Fort Supply military reservation: managing board of trustees to consist of governor and 2 members appointed by him with consent of Council; trustees to appoint superintendent for 2 years, also board of examiners of hospital; latter to report to trustees. 16, 13 Mr 03
- 2 **Or.** Referring to next Legislature amendment to Constitution art.14 §3: state institutions may be located at other places than seat of government. *Not repassed by Legislature of 1903.* p.474, 22 F 01
- 3 **Pa.** Providing for a miners home or homes: appointment of managing board of trustees; to provide for site and construction; trustees to contract with coal operators as to pro rata contributions on coal mined, and with employees as to deduction of wages for support of home. 184, 22 Ap 03
- 4 **Pa.** Commission consisting of 4 designated legislators and 3 appointees of governor to select site and prepare plans, on approval of Board of Public Charities, for State Institution for Feeble-minded and Epileptic; managing board of 9 trustees to be appointed by governor with consent of Senate; trustees to appoint superintendent, and latter, minor officials and employees; \$50,000. 424, 15 My 03
- 25 **Pa.** State commissioner of forestry to erect and manage State Sanatorium for Consumptives, to be located in State Forestry reservation near Mont Alto; \$8000. 430, 15 My 03
- x6 **R. I.** Commission on State Sanatorium for Consumptives appointed in 1902 to be continued; to erect and equip sanatorium; to report annually to Legislature; \$75,000. 1006, 15 Ap 03
- x7 **S. D.** Establishing Mining Experiment Station as department of State School of Mines, under control of Board of Regents of Education; to assay ores and minerals and determine best methods of extraction. 178, '03
- x8 **Tex.** Establishing Pasteur Hospital in connection with State Lunatic Asylum for treatment of hydrophobia. 125, 1 Ap 03
- 7 **U.** Changing name of State Insane Asylum at Provo City, to *State Mental Hospital*; institution to be under control of *Board of Insanity*. Amending R. S. '98 §2153-206. 115, 17 Mr 03
- 71 **Vt.** Abolishing State Fish Hatchery at Swanton established by '00 ch.129, on condition that United States erect, lease or purchase hatchery at Swanton. 103, 12 D 02



- y2 **Va.** Name of Institution for Deaf, Dumb and Blind c  
Virginia School for Deaf and Blind; reorganizing board  
of institution. 266,
- y3 **Wash.** Providing for erection of state armories i  
Tacoma and Spokane: state appropriation; county or  
issues; armory commission for each city, to consist of  
general, chairman of board of county commissioners, pr  
council, city engineer and ranking officer of National G  
115,
- y4 **W. Va.** Amending '97 ch.7 §1, 6 changing name  
Virginia Asylum for Incurables to West Virginia Asylum  
32
- y5 **W. Va.** Board of regents may relocate Fairmont Stat  
School. p.31.
- y6 **Wy.** Amending R. S. '99 §690 providing for permanen  
of Soldiers Home on Fort McKinney reservation; reserva  
under control of Board of Charities and Reform; \$2500 fo  
from temporary quarters in Cheyenne. 46
- y7 **Wy.** \$22,500 for erection and equipment of branch of  
General Hospital at Sheridan; Board of Charities and I  
have supervision. 47
- y8 **Wy.** Branch State Fish Hatchery to be established :  
by superintendent of Fish Hatchery District No. 1; in  
assistant appointed by superintendent; \$5000. 55
- z **Wy.** Branch State Fish Hatchery to be erected at  
under supervision of superintendent of Fish Hatchery  
No. 1. 62

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### Supervision and administration

*See also Finance. 790, 863*

- a **Cal.** Forbidding employment of inmates of state insti  
manufacture of articles for private use of state officer  
ploys. 190,
- b **Kan.** Amending '01 ch.353 relating to charitable and  
tory institutions: monthly reports of stewards to State  
Charities and Corrections and auditor; bond of stewar  
for children; probate judge to transmit to superintend  
ment of financial condition of person adjudged insane ar  
sons bound in law to maintain him. 482
- c **N. Y.** State charitable institutions, New York State S  
Blind and Elmira Reformatory to report to fiscal superv  
chases to be made for cash *or on credit not exceeding 30*  
tracts to be executed by *superintendents or* stewards; adve  
to be under control of *fiscal supervisor* [formerly con  
Amending state charities law, '96 ch.546 art.3 §44. 48-50.

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## CONSTITUTIONAL LAW STATE DEPARTMENTS

63.

## State boards of control

- 1 **Cal.** Creating Board of Charities and Corrections; membership;  
to inspect state and local charitable, correctional and penal institu-  
tions; biennial report to governor; \$6000 annual appropriation.  
363, 25 Mr 03
- 2 **Minn.** Contracts relating to state institutions under control of  
Board of Control of State Institutions to be made in writing and  
signed by chairman. 335, 21 Ap 03
- 3 **Neb.** Fixing fees of state commissioner of public lands and build-  
ings. 104, 26 Mr 03
- 4 **S. D.** Amending P. C. '03 §171-85 relative to Board of Charities  
and Correction: membership; salary; term; partial renewal;  
*monthly* [formerly annual] inspection of charitable and penal insti-  
tutions. 86, 26 F 03
- 5 **Wy.** Secretary of State Board of Charities and Reform to make  
*biennial* [formerly annual] report to governor; distribution; ap-  
propriating \$300 for each report. Amending R. S. '99 §636, 642.  
5, 13 F 03

## Officers

- 6 **N. Y.** Amending state finance law '97 ch.413 §17 as to changes  
in salaries of employees of state charitable and reformatory institu-  
tions. 239, 24 Ap 03

## Public documents. Printing

## General

- 7 **Col.** Regulating state printing and binding; creating office of  
state commissioner of public printing; powers and duties; classifica-  
tion of printing and binding for contract purposes; form, number  
and distribution of publications. 152, 11 Ap 03
- 8 **Id.** State or county printing to be done, so far as practicable,  
within state or county. p.333, 27 F 03
- 9 **Kan.** Amending G. S. '01 §7335 relating to printing and dis-  
tributing public documents. 400, 7 Mr 03
- 10 **Mich.** Amending '99 ch.44 §11, 13-15, 21, 23 relative to publica-  
tion and distribution of reports of state departments and officials.  
225, 18 Je 03
- 11 **N. D.** State commissioners of public printing may increase num-  
ber of laws and documents printed. 33, 10 Mr 03
- 12 **N. D.** Providing for publication of 1000 copies of *annual*  
[formerly biennial] report of state treasurer and 2000 [formerly  
1000] copies of biennial report of superintendent of public instruc-  
tion. Amending R. C. '99 §59. 185, 10 Mr 03
- 13 **Tex.** Amending R. C. S. art.4223 relating to public printing:  
price and size of certain kinds of paper. 9, 5 F 03
- 14 **Va.** General law relating to state superintendent of public  
printing; contracts; disposition of supplies. 226, 13 My 03
- 15 **Wash.** Repealing '99 ch.118, '01 (extra session) ch.3 relating to  
public printing and binding. 142, 16 Mr 03

j **Wis.** Amending S. '98 §316-17 relative to number and printing of journals, bills, joint resolutions and memorials. 92, 20 Ap 03

k **Wis.** Amending S. '98 §373c-i added by '01 ch.168 relative to cataloguing and distribution of state public documents by Wisconsin Free Library Commission; *state superintendent of public property* to distribute to depositories designated by commission; latter to maintain *legislative reference room* and working library; \$2500 [formerly \$1500] annual appropriation. 238, 13 My 03

l **Wis.** 500 additional copies of reports of state officers, boards and commissions to be printed and bound in sets of 2 or more volumes; distribution. Amending S. '98 §319, 354. 342, 20 My 03

#### 68 State printing boards and officers

a **Or.** Submitting amendment to Const. art.12: Legislature to provide for election of state printer [formerly elected by people]. *Vote June 1904.* p.168, 24 F 03

b **Or.** *State printer* [formerly secretary of state] to purchase printing and binding supplies. Amending Ann. C. & S. §2436. p.306, 24 F 03

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#### Distribution

*See also State Libraries 2354*

a **Wis.** Session laws, Senate and Assembly journals to be sent on application to normal school, college and public libraries; county clerks to file bills, resolutions and memorials. Amending '01 ch.412 §1. 4, 28 F 03

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#### Manuals. Blue books

a **Cal.** Secretary of state authorized to compile and distribute 7500 copies of a legislative manual. Repealing '91 ch.238, '93 ch.183. 16, 12 F 03

b **Minn.** Legislative manual not to contain Jefferson's manual. Amending S. '94 §290. 176, 10 Ap 03

c **R. I.** Secretary of state to prepare annually a legislative manual; distribution. 1057, 12 D 02

d **Tex.** Publication of legislative manual; 300 copies. p.245, 18 Mr 03

e **Wis.** Legislators to receive 250 [formerly 200] and *superintendent of public property* 200 copies of blue book. Amending '01 ch.405 §3. 383, 21 My 03

f **Wy.** \$3000 to provide for publishing and distributing 5000 copies of "State of Wyoming" pamphlet, showing state resources. 17, 17 F 03

73

#### Newspapers

a **Cal.** Publication of official notices to be made in newspapers of general circulation. Adding §4858-59 to P. C. 361, 25 Mr 03

77

## Legislature

*See also* Municipal council, 2455

- a **Cal.** Submitting amendment to Constitution art.4 §2, 23: session of Legislature to begin in *February* [formerly January]; pay may not be allowed for more than 80 [formerly 60] days; bills may not be introduced in either house 60 [formerly 50] days after commencement of session without two thirds vote; each member entitled to private secretary of his own selection; number of other employees. *Vote November 1904.* p.736, 13 Mr 03
- b **Me.** Salary of president of Senate and speaker of House, \$500 [formerly \$300] and of members of Executive Council and Legislature \$300 [formerly \$150] for each regular session; referendum. Amending R. S. '83 ch.115 §8. *Vote September 1904.* 238, 28 Mr 03
- c **Mass.** Requesting Congress to invite governments of world to establish international congress. p.419, 25 F 03
- d **Va.** Fixing compensation and mileage of members, committees, officers and employees of General Assembly. 1, 25 Jl 02

### 79 Election. Number. Appointment. Vacancies

- a **N. D.** Secretary of state to issue certificates of election to members of Legislature. 119, 10 Mr 03

### 80 Apportionment: general laws

- a **Ct.** Apportioning state into senatorial districts. Amending G. S. '02 §1591. 178, 11 Je 03
- b **Id.** Reapportioning representation in Senate and House of Representatives. p.220, 6 Mr 03
- c **Ind.** Reapportioning senators and representatives. 206, 9 Mr 03
- d **Nev.** Reapportioning senators and assemblymen. 18, 4 Mr 03
- e **Nev.** Referring to Legislature of 1905 amendment to Constitution art.15 §13 relating to legislative apportionment: each county to have at least one senator and one assemblyman; enumeration. p.230, 10 Mr 03
- f **N. H.** Amending Constitution pt2 art.9, 10 reapportioning representation: towns of 800 [formerly 600] to have 1 representative and additional members for each 1600 [formerly 1200] inhabitants; towns under 800 may unite to elect 1 representative. *Rejected March 1903.* Constitutional Convention 1902, amendment 9
- g **O.** Submitting amendment to Constitution art.11 §2 providing that each county [formerly each county having population equal to one half ratio] have 1 representative. *Adopted November 1903.* p.966, 6 My 02
- h **Or.** Amending Ann. C. & S. §2368-69 apportioning state into senatorial and representative districts. p.162, 18 F 03
- i **S. D.** Amending P. C. '03 §28-30 apportioning state into senatorial and representative districts. 12, 12 Mr 03

### 81 Resignation. Vacancies

- a **Ct.** Amending G. S. '02 §1668 relating to time of election of town representative to fill vacancy. 10, 17 Mr 03

- b **Vt.** Referring to next Legislature amendment to Constitution by adding art.29: Legislature may prescribe manner of filling vacancies in office of senator and of representative. *Not repassed by Legislature of 1902.* '00 (not printed in session laws)

**84 United States senators**

- a **Ark.** Requesting Congress to call constitutional convention to consider election of senators by direct vote. p.485, 14 Mr 03
- b **Cal.** Requesting Congress to call constitutional convention to provide for election of United States senators by direct vote. r.26, 27 F 03
- c **Fla.** Rescinding application to Congress [made earlier in same session] to call convention to prepare constitutional amendment providing for election of senators by direct vote. p.645, 15 My 03
- d **Id.** Requesting Congress to submit to states constitutional amendment providing for election of senators by direct vote. p.445, 3 Mr 03
- e **Id.** Requesting Congress to call constitutional convention to provide for election of senators by direct vote. p.456, 3 Mr 03
- f **Ill.** Requesting Congress to call constitutional convention to provide for popular election of United States senators. p.361, 9 Ap 03
- g **Mo.** Requesting Congress to call constitutional convention to provide for election of senators by direct vote. p.279, '03
- h **Mon.** Requesting Congress to call constitutional convention to consider election of United States senators by direct vote. p.346, 3 Mr 03
- i **Neb.** Requesting Congress to call constitutional convention to consider election of senators by direct vote. 163, 25 Mr 03
- j **Nev.** Requesting Congress to call constitutional convention to provide for the election of United States senators by direct vote. c.r.4, 25 F 03
- k **Or.** Requesting Congress to call constitutional convention to provide for election of senators by direct vote. p.349, 18 F 03; p.361, 27 Ja 03
- l **Tenn.** Requesting Congress to call constitutional convention to consider election of United States senators by direct vote. p.1630, 9 Mr 03
- m **Tex.** Requesting Congress to call constitutional convention to consider election of senators by direct vote. p.243, 11 Mr 03
- n **U.** Requesting Congress to call constitutional convention to consider election of United States senators by direct vote. p.204, 12 Mr 03
- o **Wash.** Requesting Congress to call constitutional convention to propose election of senators by direct vote. 61, 12 Mr 03
- p **Wis.** Requesting Congress to call constitutional convention to provide for election of United States senators by popular vote. j.r.9, '03

## CONSTITUTIONAL LAW LEGISLATURE

88-11

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**Special laws**

- a Fla. Submitting amendment to Constitution art.3 §20 prohibiting Legislature from passing special or local laws; exceptions. *Vote November 1904.* p.643, '03
- b Pa. Referring to next Legislature amendment to Constitution art.3 §7: Legislature may pass local laws on approval of majority of voters at election, held under order of Court of Common Pleas. *Not re-passed by Legislature of 1903.* p.883, '01
- c Tenn. Submitting amendment to Constitution art.11 §13: Legislature may enact local road, fence and stock laws. *Vote November 1904.* 532, 2 Ap 03

90

**Members of Legislature**

- a Ct. Referring to Legislature of 1905 constitutional amendment prohibiting governor or Legislature from appointing during session any member to remunerative office; United States senator and notary public excepted. p.207, 20 My 03
- c R. I. Secretary of state to sign election certificates of members of Legislature at 11 [formerly 9] a. m. on first Tuesday in January; annual meeting of members to take oath of office at *noon* [formerly 10 a. m.] on same day. Amending G. L. '96 ch.19 §4, 9, '01 ch.808. 1046, 5 D 02

95

**Internal organization**

100

**Officers and employees**

- a Ct. Comptroller to employ stenographers for joint special and standing committees. 197, 19 Je 03
- b Id. House committee on state affairs and federal relations and Senate committee on state affairs may employ clerical assistance. p.447, 26 Ja 03
- c Mass. Providing additional clerical assistance in office of clerk of House of Representatives. r.3, 6 F 03
- d Mass. Annual salary of postmaster of capitol \$1200 [formerly \$900]; sergeant-at-arms may employ cashier. Amending R. L. ch.10 §11. 323, 5 My 03
- e Pa. Salary of chaplains of Senate and House of Representatives \$6 a day [formerly \$300 a year]. Amending P. & L. Digest '94 p.4242. 245, 27 Ap 03
- f Vt. Amending S. '94 §234 allowing sergeant-at-arms additional assistants during session of Legislature. 7, 10 D 02
- g Wy. Appointing additional legislative employees; compensation. 2, 28 Ja 03

102

**Records**

- a N. H. Providing for daily publication of 500 copies of Senate and House journals. 70, 13 Mr 03
- b Pa. Publishers of *Legislative Record* to print reports of special committees and official communications presented to Senate or House. c. r.4, 7 Ja 03

103

**Supplies**

- a Ark. Clerk of House and secretary of Senate to furnish members with newspapers and stamps during session. 16, 11 F 03

N. Y. STATE LIBRARY SUMMARY OF LEGISLATION 1903

- b **Neb.** Board of Public Lands and Buildings to furnish legisla supplies; regulations. 107, 10 A
- c **S. C.** Sergeant-at-arms of Senate and House respectively to l charge of furniture of Senate and House. Amending C. C. §63 .11, 23 I

105 **Legislative procedure**

106 **Bills**

- a **Mich.** Submitting amendment to Constitution art.4, by rep ing §28 limiting introduction of new bills to first 50 days session. *Vote November 1904.* p.427
- 108 **Enrolling. Engrossing. Printing**
  - a **Ind.** Legislative bills to be engrossed and enrolled from speci designed type selected by State Board of Public Printing; s type to be used for no other purpose. 125, 9 M
  - b **N. C.** Regulating enrolling of bills: secretary of state to app chief clerk as supervisor; abolishing office of enrolling clerk General Assembly. Repealing '01 ch.631. 5, 16 J
  - c **Or.** Amending Ann. C. & S. §2372-73, 2376 providing election of additional stenographers in House and Senate to en and engross bills. p.157, 19 I

112 **Committee procedure**

- a **Ct.** Reference of nominations of inferior court judges to made to joint standing committee on *judiciary* [formerly judi nomination]. Amending G. S. '02 §56. 190, 18 J
- b **Mass.** Relating to publication of bulletin of committee hearin price \$2. r.1, 26 J
- c **Mass.** Amending R. L. ch.6 §46, 48 relating to advertising h ings before committees of General Court. 283, 30 A
- d **Tenn.** Legislative committees vested with same powers Chancery and Circuit Courts to compel attendance of witnes enforce process and attachment and punish for contempt. 461, 15 A

113 **Sessions**

- a **Ga.** General Assembly to convene on fourth Wednesday June [formerly October]. See Constitution §4, ¶3. p.66, 12 I

115 **Direct legislation**

- a **Mass.** Referring to Legislature of 1904 constitutional ame ment adding article: any constitutional amendment proposed 50,000 voters (but 25,000 from any 1 county) approved by 15 s tors and majority of representatives, shall be submitted to pe at next general election; on approval by majority of voters to submitted to people at succeeding state election, and if appr by two thirds vote to become part of Constitution; rejected ame ment may not be proposed again for 3 years. p.583, 5 J
- b **Mo.** Submitting amendment to Constitution art.4 §1 relatin legislation: legislative power inherent in electors of munic

## CONSTITUTIONAL LAW ELECTIONS

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divisions, subject to general laws; referendum may be demanded by 10% of voters of each congressional district within 90 days after adjournment of Legislature; only appropriation acts, laws for immediate preservation of public peace, health and safety and laws passed by two thirds vote may become operative within 90 days after adjournment; initiative of laws on petition of 15% of voters of state, and of constitutional amendments on petition of 20% of voters of each congressional district. *Vote November 1904.* p.280, '03

- c Nev.** Referring to Legislature of 1905 amendment to Constitution art.4 §1 providing for initiative on petition of 10% of voters of state, and referendum on petition of 7% of voters or by act of Legislature. p.231, 12 Mr 03

- d Nev.** Referring to next Legislature constitutional amendment adding article: acts of Legislature to be submitted to people on petition of 10% of voters of state; when approved, not to be overruled or suspended except by direct vote of people. *Not repassed by Legislature of 1903.* p.139, 19 Mr 01

- e Or.** Defining forms of petition for referendum and initiative and regulating elections thereunder; penalties. p.244, 24 F 03

## 116 Citizenship. Civil and political rights

*See also Suffrage, 128*

117

### Citizenship

118

### Naturalization

*See also Suffrage of aliens, 135*

- a Ct.** Amending G. S. '02 §4413 relative to procedure in naturalization of aliens. 26, 14 Ap 03

122

### Civil rights

*See also Race distinction, 1238*

- a Ill.** All citizens to be entitled to equal use of hotels, restaurants, railroads, *funeral hearses* etc. Amending R. S. '01 ch.38 §42i. p.158, 15 My 03

- b Or.** Repassing amendment to Constitution art.1 §35 allowing negroes to reside in state. *To be voted on by people, but no provision for submission.* p.347, 6 F 03

123

### Indians

- a Del.** Descendants of Nanticoke Indians desiring to migrate may obtain certificate of race from justice of peace or notary public.

470, 23 Mr 03

125

## Elections. Political parties

*See also for term of office, vacancies etc., the various officers under state and local*

126

*Government*

### General

- a Del.** Secretary of state to print 2000 indexed copies of amended election and registration laws. 498, 9 Ap 03

- b Id.** Amending '99 p.33 §31-32, 34, 39, 48 relating to elections: appointment, duties and compensation of registrars; correction of registers; form of ballot. p.354, 2 Mr 03



- c Ill. Repealing '85 art.4 §19 relating to elections in cities, villages and incorporated towns. p.167, 15 My 03
- d Ill. Amending '99 p.153 §1, 14 relating to adoption of election law: County Court to submit question at next general state, county or *municipal* election; villages or incorporated towns may adopt law on petition of 150 [formerly 500] electors. p.166, 16 My 03
- e Ill. Amending '99 p.153 art.4 §17, 18 relating to city elections: poll books to be returned in *sealed envelop* [formerly placed in ballot box]; duties of election officers in returning same to commissioners. p.167, 170, 15 My 03
- f Kan. Amending '01 ch.177 relating to nominations and elections; person can accept only 1 nomination for the same office; form of ballot. 228, 11 Mr 03
- g Mass. Miscellaneous amendments to election law, R. L. ch.11 §46. 474, 26 Je 03
- h Mo. General election law for St Louis. p.170, 28 Mr 03
- i N. H. Amending Constitution pt2 art.5: Legislature may establish 1 or more voting places in each town or ward, regulate conduct of elections and define voting precincts. *Rejected March 1903.*  
Constitutional Convention 1902, amendment 10
- j Or. Extending provisions of Australian ballot law to elections in cities and towns of 2000; filing of nomination certificates; printing of ballots; proceedings in municipal elections held on general and special election days. p.250, 24 F 03
- k Pa. Amending election law '93 ch.318 §9, 14, 22, 27-28, 30 relating to form of ballot; manner of voting; void ballots; counting of ballots; penalties. 264, 29 Ap 03
- l Tex. General election and primary law. 23p. 101, 1 Ap 03
- m Va. Amending '96 ch.700 §19 relating to town elections: candidates to notify county clerk; law to apply to *all* elections [formerly counties and corporations without political party were excepted].  
Repealing §20. 274, 15 My 03

128

## Suffrage; qualifications

129

### General qualifications

- a N. D. Extending franchise to *civilized* Indians who have severed tribal relations; voters moving from one precinct to another in county may vote in precinct from which they move for 90 days.  
Amending R. C. '99 §479. 89, 9 Mr 03

130

### Property. Poll tax

132

#### Poll tax

- a N. C. Amending '01 ch.89 §13 as to right to vote of persons exempted from poll tax. 479, 6 Mr 03

133

### Educational qualifications

- a N. H. Amending Constitution ptt art.11: voters and office-holders to be able to read Constitution in English and write; proviso. *Adopted March 1903.*

Constitutional Convention 1902, amendment 1

## CONSTITUTIONAL LAW ELECTIONS

142

**Residence**

- a **Col.** Voters must reside in county 90 days, in city or town 30 days, and in precinct 10 days. Amending G. S. '83 §1150. 104, 13 Ap 03
- b **Kan.** Person employed by state or municipal subdivision of state not to be deemed to have gained or lost residence by such employment. 232, 13 Mr 03
- c **Miss.** Requiring residence of 1 year prior to registration to vote in municipality. C. '92 §3028. *Unconstitutional*. Constitution requires residence prior to election only. *State v. Kelly*, 32 S. 909

145

**Soldiers home inmates**

- a **Id.** Submitting amendment to Constitution art.6 §5: inmates of soldiers homes to be legal voters in county where home is situated. *Vote November 1904*. p.449, 11 F 03

146

**Women***See also School elections, 2224*

- a **N. H.** Amending Constitution pt2 art.27 giving women right to vote and to hold office. *Rejected March 1903*. Constitutional Convention 1902, amendment 7
- b **U.** Resolution declaring the success of woman suffrage in Utah and urging its general adoption. p.206, 12 Mr 03

149

**Corrupt practices. Election offenses***See also 167*

150

**Corrupt practices acts**

All laws requiring candidates or committees to file a statement of election expenses are included under this head. These laws often include miscellaneous election offenses.

- a **Ct.** Minor amendment to G. S. '02 §1695 relating to statement of disbursements by candidates for office. 5, 11 Mr 03
- b **Kan.** Repealing G. S. '01 §2734-40, 2742 requiring itemized statements of expenditure in political campaigns. 230, 13 Mr 03
- c **Va.** Limiting expenditure of candidates for election purposes; sworn statement of expenses to be filed before taking office; penalties. 98, 24 Mr 03

151

**Corruption and miscellaneous offenses**

- a **Fla.** Unlawful to carry or give liquor on election day: penalty. 85, 3 Je 03
- b **Mass.** Amending R. L. ch.11 §421 relating to disposition of cases for violation of election laws: procedure. 318, 5 My 03
- c **Mo.** Relating to election offenses: refusal to give information to canvasser; neglect of duty by election officers; fraudulent registration or voting; stuffing ballot box; breach of peace; electioneering by election officers; signing application for erasure of name from registry without cause. Adding §2120a-p to R. S. '99. p.155, 24 Mr 03
- d **Va.** Misdemeanor to disturb registrars while registering voters. 15, 28 Je 02

N. Y. STATE LIBRARY SUMMARY OF LEGISLATION 1903

- e **Wis.** No intoxicating liquors to be admitted or drunk where election is being held. Amending S. '98 §18. 132, 28 Ap 03

160

**Nominations. Parties**

- a **Cal.** Person may not register or transfer registration for primary within 20 [formerly 10] days prior to primary. Amending P. C. §1366. 44, 26 F 03
- b **Fla.** Extending provisions of '01 ch.130 to cover municipal primaries in cities over 10,000; county committee to designate city committee to serve till election. 143, 3 Je 03
- c **Id.** Primary elections: officers may be elected viva voce; delegates to be elected by ballot; only persons affiliated with party at previous election, or resident in precinct for 30 days may vote; oath; vote of delegate absent from convention to be cast by majority of delegation; penalties. p.360, 27 F 03
- d **Me.** Regulating political caucuses: legal enrolment; ballot; act to apply to cities and towns of 2000 to 35,000; also to cities where caucuses not provided for by special law. 214, 28 Mr 03
- e **Mass.** Providing for nomination of representatives in Congress from certain districts by direct plurality vote. 450, 22 Je 03
- f **Mass.** Relating to party caucuses at which direct nominations are made; returns. 453, 22 Je 03
- g **Mass.** Providing joint caucuses for all political parties. Amending election law R. L. ch.11. 454, 22 Je 03
- h **Neb.** Amending C. S. '01 §3019, 3025f relating to primary elections: qualifications of electors; special registration. 40, 25 Mr 03
- i **N. H.** Caucus act to be in force in cities of 12,000 [formerly 15,000] on vote of electors. Amending '01 ch.105 §9. 40, 3 Mr 03
- j **N. J.** General primary election law. Supplementing '98 ch.139. 248, 14 Ap 03
- k **N. Y.** Amending '00 ch.225 relating to party enrolment. 111, 31 Mr 03
- l **N. Y.** Minor amendment to primary election law, '98 ch.179 subdiv.1 as to time of election of members of committees in cities over 500,000. 595, 13 My 0
- m **Pa.** Where objections to nominations are not sustained by county petitioners to pay costs. Amending '97 ch.184 §6. 165, 21 Ap 03
- n **R. I.** Amending G. L. '96 ch.11 §4, 5, 6, 12 authorizing state, city or town officers to be nominated in caucus representing political party which polled 25 of votes cast for governor [formerly 25 of votes cast in state] at preceding election of state officers; ward voting district officers in cities or towns may be nominated by petition of 50 [formerly 100] electors. 1059, 12 D 03
- o **R. I.** Caucus law applying to Providence, Newport and Pawtucket: applies to political parties polling 25 of vote for governor; ward and city political committees; election and duties of caucus officers; no person to be entered on voting lists having taken P

## CONSTITUTIONAL LAW ELECTIONS

160-6;

in caucus of other political party within 14 months; blanket ballots.  
Amending '99 ch.662, 709; '01 ch.867. 1078, 12 D 02

**Tenn.** Amending '01 ch.39 §11 relating to payment of primary election expenses by political party. 241, 15 Ap 03

**Wis.** Amending S. '98 §11a-i, '99 ch.341 relating to caucuses: delegates to represent caucus and candidates for office must receive *plurality* [formerly majority] vote. 382, 21 My 03

**Wis.** Providing for party nominations by direct vote; exceptions: nomination papers for state office or United States senator to be signed by 1% of party vote in state at last presidential election, for congressional representative, by 2% of vote in district, 3% of district vote for offices of lesser area, 2% of state vote for nonpartizan candidates; conduct of primaries; registration; voting; State Board of Canvassers to serve for primaries; party committees and platform; penalties. *Act to be voted on by people in November 1904.*

451, 23 My 03

**Acceptance and withdrawal of nomination**

**Ill.** Withdrawal of nominations to be filed with secretary of state from 13 to 25 [formerly 8 to 15] days prior to election.  
Amending '97 p.211. p.174, 15 My 03

**Certificates. Vacancies. Filing of nominations**

**Me.** Certificates of nomination for state and county officers and representatives of Legislature to be filed by Aug. 10 [formerly within 30 days] preceding election; certificates for presidential electors by Oct. 10. Amending '93 ch.267 §6. 169, 26 Mr 03

**N. J.** Amending '98 ch.139 §42-46, 103 as to time for filing certificates of nomination. 259, 14 Ap 03

**Nomination fee**

**Minn.** Candidate for unsalaried office need not pay fee for having name placed on ballot. Amending '93 ch.4 §45.

174, 10 Ap 03

**Nomination papers. Independent nominations**

**Minn.** Person who has voted at primary may not sign nominating certificate of candidate. Amending '93 ch.4 §36.

90, 26 Mr 03

**Offenses**

*See also* Corrupt practices, 149

**Minn.** Saloons to be closed on primary election day. Amending '99 ch.349 §12. 240, 17 Ap 03

**S. C.** Misdemeanor falsely to procure registration on party registration lists or vote such names, or to try to vote in violation of party rules or under false pretenses or to aid in such offenses; Penalty. Amending Crim. C. §278. 73, 2 Mr 03

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N. Y. STATE LIBRARY SUMMARY OF LEGISLATION 190

- c **Vt.** Prohibiting payment of money or promise of same nomination, except for personal, traveling, printing and expenses; penalty. 6,

170 **Districts. Notices. Days**

171 **Days. Hours**

*See also Legal holidays, 1549*

- a **Kan.** In cities over 15,000 polls to open at 6 a. m. and 6 p. m. Amending G. S. '01 §2727. 231, 1
- b **Mich.** Amending C. L. '97 §2303 changing hours of opening closing polls in township elections. 138, 1
- c **N. D.** Annual village election to be held in *March* [May]. Amending R. C. '99 §2355, 2358. 93,
- d **Or.** Referring to next Legislature constitutional amendment art.2 §14: general elections to be held biennially on Tuesday following first Monday in November. *Not repassed by Legislature* p.473,
- e **Or.** Amending Ann. C. & S. §2890 requiring polls at elections to be kept open till 7 p. m. [formerly 6 p. m]. p.213,
- f **S. D.** Election of town officers to be held *third* [formerly first Monday of May]. Amending P. C. '03 §14: 92,

172 **Districts**

- a **Cal.** Amending P. C. §1132 relating to place of holding 14,
- b **Ill.** Amending '01 p.170 §30, 33 whereby county board divide election precincts at June meeting *or adjourned meeting* p.172, 1
- c **N. M.** County commissioners may divide precinct covering over 500 voters into 2 or more election districts. 84, 1
- d **N. Y.** Amending election law '96 ch.909 §182 as to boundaries of election districts where voting machines are 122,
- e **N. D.** County commissioners may subdivide precincts into 2 or more congressional townships. Amending R. C. 90,
- f **S. D.** Amending P. C. '03 §1867 relating to election precincts 134, 1

173 **Notices**

- a **N.-J.** Amending '99 ch.135 §3 relative to publication of notice of special election called to decide on incorporation of city or borough or township. 145,
- b **Wis.** Amending S. '98 §21, '99 ch.96 §1 relating to publication of notice of election by county clerk. 408, 2

## CONSTITUTIONAL LAW ELECTIONS

174-2

174

**Ballots. Voting**

175

**General. Ballot reform**

- a **Cal.** Amending P. C. §1197, 1205 and 1211 relating to ballots: party voting circle; independent nominations; instructions to voters; void ballots. 134, 14 Mr 03
- b **Minn.** Only political parties which have adopted party name and polled at least 1% of vote cast in state may have name printed on ballot at any election. Amending '01 ch.312. 232, 14 Ap 03
- c **Vt.** Regulating ballots and ballot boxes for election of town representative and justices of peace. 2, 28 O 02
- d **Wis.** Repealing '99 ch.339 requiring Australian ballot system in towns with incorporated city or village operating jointly with towns in town elections. 445, 23 My 03

177

**Ballot boxes**

- a **Pa.** Justices of peace to receive \$3 a year for care of ballot boxes. Amending P. & L. Digest '94 p.1807. 159, 16 Ap 03
- b **Wy.** County commissioners may substitute *canvas* [formerly leather] pouches for ballot boxes in polling precincts. Amending '01 ch.29. 15, 17 F 03

181

**Form**

- a **Minn.** Propositions submitted to electors to be printed on separate pink ballot and deposited in separate pink ballot box. 251, 18 Ap 03
- b **Neb.** Amending C. S. '01 §3040, 3057c relating to form of official ballot. 41, 10 Ap 03
- c **N. J.** In voting on constitutional amendments, assent or dissent expressed by "for" or "against." Supplementing '02 ch.205. 193, 8 Ap 03
- d **N. M.** Amending C. L. '97 §1633 relative to emblems of political parties; penalty. 59, 14 Mr 03

182

**Furnishing. Distributing**

- a **Kan.** Amending G. S. '01 §2708 relating to cost and distribution of ballots. 229, 10 Mr 03
- b **Minn.** Official ballots may be sent by registered mail or express to certain villages, towns and cities under 10,000 and over 15 miles from county seat. 168, 10 Ap 03

183

**Marking. Assistance**

- a **Me.** Voter wishing to vote for candidates not printed on party ticket may erase name or *paste on* name of other candidate. Amending '91 ch.102 §24. 6, 11 F 03

184

**Polls**

- a **Minn.** On petition of majority of voters of township, town supervisors may change polling place to village or city under 10,000 located in such town. Amending '97 ch.239. 26, 3 Mr 03

- b **Pa.** County commissioners may change polling place prior to election on petition of 10 electors of district or call to locate. 140, 1

185

**Voting machines**

- a **Cal.** Regulating use of voting machines at elections; Commission on Voting Machines; inspection; regulation of county supervisors; penalties. 226, 2
- b **Ct.** Referring to Legislature of 1905 constitutional amendment authorizing use of voting machines in elections. p.207, 2
- c **Ct.** Regulating use of voting machines at elections: permanent Board of Voting Machine Commissioners. R. G. S. '02 §1729. 11p. 207,
- d **Ill.** Regulating use of voting machines at elections: Board of Voting Machine Commissioners; to examine and machines used at elections. p.178, 1
- e. **Ind.** Amending '01 ch.260 §4-5 relating to voting machines obligatory in counties containing a city of 36,000. 154,
- f **Mass.** Regulating use of voting machines at election: Board of Voting Machine Examiners; to examine voting machine ballot boxes and counting apparatus; inspection fee divisions to use only approved machines. Repealing R. §270, 272. 368, 1
- g **Mich.** Regulating construction of voting machines so as to provide for irregular balloting. Adding §10, 11 to '97 ch.61. 234,
- h **N. J.** State Board of Voting Machine Commissioners to prescribe arrangement of party names, candidates and emblem on voting machine or ballot. Supplementing '02 ch.205. 87, 1
- i **N. J.** State Board of Voting Machine Commissioners to purchase with consent of governor voting machines and define location and use.

187

**Registration**

- a **Ari.** Amending R. S. '01 §519-20 relating to registration in cities: city authorities *may* [formerly shall] order new election every 2 years; may order registration of persons voting bond issues. 4,
- b **Fla.** Amending '95 ch.7 §23, ch.8 relating to registration of voters. 141, 1
- c **Neb.** Registration of voters in cities of 7000 to 25,000. 72, 1
- d **N. J.** Amending '98 ch.139 §15, 20, 21, 23, 60, 178 relating to election of district boards of registry and election; and notice of registration in cities of 30,000 [formerly 40,000] 248, 1
- e **N. M.** Person not registered may vote on presentation of affidavit supported by affidavits of 2 voters that he is a voter of precinct. Amending C. L. '97 §1701, 1706. 64, 1

## CONSTITUTIONAL LAW ELECTIONS

187-

- f** **Okl.** Amending S. '03 §2970-72 relating to registration in cities of 2500: duties and fees of city clerk. 13 art.2, 16 Mr 03
- g** **Va.** Repealing C. §83 relating to method of appeal from decision of registrars. 26, 28 Jl 02
- h** **Wis.** In cities or villages of 2000 to 3000, local authorities may provide for registry of electors. Amending S. '98 §23. 420, 22 My 03

**Boards. Officers***See also* Election officers, 192

- a** **Mon.** Public officers, excepting notaries public and postmasters, may not serve as registration agents. Amending P. C. §1201. 4, 16 F 03
- b** **N. C.** Amending '01 ch.750 §5 relating to registrars of election precincts. 613, 9 Mr 03
- c** **Va.** *Board of registrars* [formerly registrar] as provided for by Constitution of 1902 and town registrars to preserve order at place of registration; may appoint special constables in each magisterial district or ward. Amending C. §85. 13, 28 Jl 02; 319, 26 My 03

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**Days. Hours**

- a** **Fla.** Fixing time for registration of voters prior to holding of primary elections. 144, 4 Je 03
- b** **Wash.** Registration of voters in cities over 20,000 to be not less than 2 nor more than 6 weeks before Mar. 1. Amending Ann. C. & S. '97 §1451, 1453. 63, 12 Mr 03
- c** **Wis.** Amending S. '98 §25 as to the time of meeting of board of registry in cities of 3000. 381, 21 My 03

190

**Lists. Transfers**

- a** **Cal.** County clerk must preserve affidavit of registration *for at least 5 years*. Amending P. C. §1103. 221, 20 Mr 03
- b** **Cal.** Amending P. C. §1096 relating to entries in register of voters. 222, 20 Mr 03
- c** **Fla.** Amending '95, ch.7 §19 relating to revision of registration books by county commissioners. 145, 13 Je 03
- d** **Ill.** Amending '99 p.153 art.3 §32-34 relating to return of affidavits and registers to board of election commissioners: penalty for illegal copying; proviso. p.168, 15 My 03
- e** **Neb.** Mayor and council of cities over 25,000 [formerly 7000] to provide registration books. Amending C. S. '01 §4192. 71, 7 Ap 03
- f** **N. C.** Registration books forwarded by county clerks to secretary of state to constitute permanent roll of registered voters. 178, 23 F 03
- g** **N. C.** Amending '01 ch.550 §3, 4 relating to permanent roll of registered voters: compensation of clerks of Superior Court for indexing same. 557, 6 Mr 03



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## Election officers

- a Cal. Salary of primary precinct election officers to be or less [formerly \$2]. Amending P. C. §1359. 106,
- b Cal. Amending P. C. §1142 relating to election boards cations; publication of names of members. 122,
- c Neb. Amending C. S. '01 §2918 relating to clerks and j election: duties; penalties. 39,
- d N. J. Amending '98 ch.139 §178 relative to compens members of boards of registry and election in cities over a 30,000 [formerly 40,000]; proviso. 266,
- e N. Y. Trustees, *president* and clerk of village constitu election district to be inspectors of election. Amending ' §54. 313,
- f O. Fixing compensation of members and clerks of b deputy state supervisors of election. p.13,
- g Pa. Watchers at elections to be residents of district i they act. Amending '93 ch.318 §23. 156,
- h Pa. Judges, inspectors and clerks of elections to be p [formerly clerks \$3]. Amending '95 ch.137. 161,
- i Vt. Pay of ballot clerks and assistants to be fixed board of selectmen. 3,
- j Va. County *electoral board* [formerly judge of court] to r registrar and 3 judges of election for each town precinct: registrar. Amending C. §1022. 70,
- k Wis. Ballot clerks not to be appointed in election distri voting machines. Amending S. '98 §47. 423,

## 194

## Canvass. Contests

## 195

## Count. Canvass. Returns

See also Election officers 192

- a Ct. Minor amendment to G. S. '02 §1634 relating to election envelops furnished by secretary of state. 45,
- b Ill. Judges of election to make *duplicate* [formerly qu statements of result of canvass. Amending R. S. '01 ch.4 p.170,
- c Ill. Amending R. S. '01 ch.46 §62 regulating return of p and tally lists to secretary of state; *latter to furnish envelops clerks*. p.175,
- d N. H. Amending P. S. ch.34 §14 relating to disposition c cast for certain officers at biennial elections. 30
- e N. D. Election precinct officers who have made defectiv may be required to appear before county canvassing b correct errors; penalty. 91
- f N. D. Amending R. C. '99 §2559 relative to notificatio tion of township officers. 92
- g S. D. Votes on proposed amendments to Constitutio canvassed in same manner and at same time as votes officers. 100

## CRIMINAL LAW PROCEDURE

195-2

**U.** Election returns from polling place 15 miles from county seat may be sent to county clerk by registered mail. Amending R. S. '98 §864. 35, 5 Mr 03

**Vt.** Amending S. '94 §136 fixing time for counting ballots for state and county officers. 5, 5 N 02

**Vt.** Amending S. '94 §130 relative to counting defective ballots: to be counted when intent of the voter is clear, unless board decides irregular marking to be for purposes of identification. 4, 11 D 02

**Va.** Amending C. §125, 129 relative to depositing and canvassing of ballots in county and corporation elections: canvass to be made in presence of 2 or more representatives of each political party. 11, 28 J1 02

**Wash.** Election returns from precincts over 15 miles from county seat to be transmitted to county auditor by registered mail; misdemeanor for judge or inspector of elections to fail to return ballots, tally list and poll books. Amending Ann. C. & S. '97 §1406. 85, 14 Mr 03

### Contests

**Cal.** If election of member of Congress is contested, county clerk to hold ballots subject to inspection by committee designated by House of Representatives till final determination of contest. Amending P. C. §1265. 42, 26 F 03

**Nev.** Limiting time for contesting elections. 126, 25 Mr 03

## CRIMINAL LAW

Penal code and code of Criminal procedure

## Criminal procedure

For laws applying to both civil and criminal procedure *see* Civil procedure, 695

### Apprehension, prosecution, indictment

**Neb.** Procedure in indictment of and service on corporation in criminal actions. 140, 8 Ap 03

**N. Y.** Regulating arrest of railroad employee on criminal charge arising from railroad accident. Adding §554a to Crim. C. 614, 15 My 03

### Apprehension

#### Bloodhounds

**Va.** Superintendent of penitentiary to raise and train bloodhounds to track criminals: to furnish to sheriffs and city sergeants. 159, 17 Ap 03

#### Detectives

**Del.** Requiring private detectives to secure license from Court of General Sessions; procedure; fees; jurisdiction under license. 334, 16 Ap 03

#### Reward

**Kan.** County commissioners may offer reward not exceeding \$500 for arrest and conviction of person guilty of murder or lynching. 407, 10 Mr 03

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- b **Minn.** Bounty for horse thieves \$200 [formerly \$50].  
S. '94 §7869. 15
- c **N. J.** Boards of chosen freeholders on request of co-  
cutor of pleas may offer \$500 reward for arrest of pers-  
heinous crime. Supplementing '98 ch.237. 2

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**Bail**

- a **Del.** Person charged with crime and under bail not  
prisoned unless surrendered by bondsman: not to be  
prisoner's box during trial; to have free communica-  
counsel; forfeit of recognizance by default before ju-  
after verdict. 4
- b **Fla.** Defendants' bonds in criminal cases in county c  
approved by sheriff, judge or justice of peace. 3
- c **Me.** Fee of \$5 or less to be paid by person admitted  
county bail commissioners. Amending R. S. '83 ch.99 12
- d **Me.** Regulating taking of bail in criminal prosecu-  
12
- e **Mass.** In criminal cases, on surrender or recapture o  
after default, cash bail may be refunded by order of  
Amending R. L. ch.217 §79. 23
- f **N. H.** Bail in criminal cases: respondent may fec-  
sureties or deposit money.
- g **Tenn.** Misdemeanor for attorney to enter into any re-  
as surety for person charged with criminal offense.
- h **Tenn.** Bail bonds and recognizances given by de-  
criminal cases to be binding for personal appearance  
from term to term till discharged by court. 9
- i **U.** Amending R. S. '98 §220-32 relating to bail com-  
powers: collection of certain fines: bond. 7
- j **Va.** Circuit Court, or judge in vacation, to appoint  
commissioners in chancery bail commissioner for county. 1
- k **Va.** Amending C. §2000, for ch.332 relating to bail:  
in case bail is refused or required in excess by Circuit  
tion Court, powers of county bail commissioners: fees. 1
- l **Wis.** Amending S. '98 fatal, subd. 2 relating to g  
of bail. 1

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**Extradition**

- a **Minn.** Agents appointed by governor to demand o  
of other states extradition of criminals to be sheriff  
from which application for extradition comes. 20  
Amending S. 22 §776.
- b **Nev.** If person charged with felony is returned from  
or country, county commissioners to vote expenses of  
10

## CRIMINAL LAW PROCEDURE

## 115 Limitations

- a Del. Prosecution for capital offenses except murder limited to 3 years, for other offenses, to 2 years; exception. 468, 23 Mr 03
- b Ind. Prosecution for any crime *excepting forgery* must be commenced within two years. Amending '81 ch.37 §23. 157, 9 Mr 03

## 12 Prosecutions

- a Minn. Submitting amendment to Constitution art.1 §7: no person may be held to answer for criminal offense *without due process of law* [formerly unless indicted by grand jury, except in cases of impeachment, cases cognizable before justices of peace, or arising in army or navy or in militia in active service]. *Vote November 1904.* 269, 18 Ap 03

## 13 Grand jury

- a N. J. Amending '98 ch.237 §11 relative to summoning of second panel of grand jurors in counties of 250,000. 172, 8 Ap 03
- b Va. Grand jurors to be selected from *male citizens* [formerly qualified voters] *between age of 21 and 60*. Amending C. §3976, '90 ch.115. 25, 28 Jl 02
- c Wis. Grand jurors to be selected by jury commissioners; procedure; stenographic reporter may be employed by grand jury on order of judge. 90, 20 Ap 03

## 215 Criminal trials

## 216 General

- a Ct. No allowance to be made for counsel retained by person charged with crime. Supplementing G. S. '02 §4837. 122, 21 My 03
- b Ga. Judge of superior court, *in term time or vacation* may transfer indictments to county or *city court*. Amending Pen. C. '95 §752. p.59, 16 D 02
- c Mon. County may not pay attorney defending indigent prisoner by order of court over \$100 [formerly \$50] in capital case, \$50 [formerly \$25] in other felony cases and \$25 [formerly \$10] in other cases. Amending Pen. C. §1892. 33, 26 F 03
- d Va. Amending C. §3972 authorizing justice to associate other justices with him in trial of criminal cases; decision in case of disagreement. 134, 7 Ap 03
- e Wis. *Courts of record having jurisdiction in criminal actions to appoint counsel* for indigent defendant; limiting liability of county therefor. Amending S. '98, §4713. 273, 14 My 03

## 217 Change of venue

- a Ind. County from which change of venue is made, liable for all expenses, *including charge of keeping prisoner*. Amending Burns's Ann. S. '94 §418. 187, 9 Mr 03

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- b **Okl.** Amending S. '03 §5427 regulating change of venue in criminal cases. 25 art.1, 13 F; art.2, 16 Mr 03

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**Evidence**

219

**General and miscellaneous**

- a **Ari.** Amending Pen. C. §776-79 relative to testimony in criminal cases: regulations; use of testimony. 25, 17 Mr 03
- b **Ct.** Penalty for failure after summons of resident of Connecticut to testify in criminal prosecutions in courts of other states. 87, 11 My 03
- c **Okl.** Amending S. '03 §5427 changing form of subpoena. 25 art.1, 13 F; art.2, 16 Mr 03
- d **Va.** Witness may not be prosecuted for testimony given in prosecution for bribery; penalties for refusal to testify. Supplementing C. §3744-45. 22, 28 Jl 02

223

**Witness fees**

- a **Fla.** Compensation of witnesses subpoenaed to appear before county prosecuting attorney. 25, 13 My 03
- b **N. J.** Fees of witnesses for defendant in criminal action must be approved by court. Amending '98 ch.237 §85. 116, 7 Ap 03
- c **U.** United States, state, county, city or town officer *drawing salary exceeding \$500* not to be entitled to witness fees in criminal proceeding. Amending R. S. '98 §1005. 8, 12 F 03

224

**Judgment. Sentence. Execution**

225

**Appeals. New trial**

- a **Ari.** Amending Pen. C. §1048 relating to duties of clerk in criminal cases appealed to Supreme Court. 30, 18 Mr 03
- b **Col.** Stay of execution granted to defendant convicted of felony, where writ of error sought. 95, 10 Ap 03
- c **Fla.** Amending R. S. '92 §2982 relating to trial of criminal cases on appeal to circuit courts. 24, 13 My 03
- d **Me.** Amending R. S. '83 ch.132 §15 requiring that appeals from magistrates in criminal cases *be made within 24 hours after sentence is imposed*; proceedings on appeal after adjournment of session. 171, 26 Mr 03
- e **Me.** Amending R. S. '83 ch.116 §29 as to fees and costs to be allowed to magistrates on appeal in criminal cases. 185, 28 Mr 03
- f **Pa.** Supreme Court on newly discovered evidence may authorize new trial to person convicted of murder in 1st degree after expiration of trial court. 180, 22 Ap 03
- g **U.** Application for new trial in criminal cases to be made *60 days after rendition of verdict* [formerly 30 days after discovery of facts supporting motion]. Amending R. S. '98 §4953. 49, 11 Mr 03

## CRIMINAL LAW PROCEDURE

226-2

**Expenses. Costs. Fines**

- L.** Imprisonment for nonpayment of fine, costs, or restitution limited to *1 year* [formerly 3 months]. 469, 7 Ap 03
- L.** County to pay costs in criminal cases prosecuted in circuit where defendant is insolvent or discharged; provisos. 26, 2 Je; 27, 4 Je 03
- L.** Amending '95 ch.4323 §2 relating to fines and forfeitures: monthly reports to be made by county clerks, judges, and justices within 30 days after end of month. 50, 10 Je 03
- n.** Amending G. S. '01 §6588 relating to certain costs of commitment to State Hospital for Insane *or State Industrial School for* 483, 11 Mr 03
- nn.** Amending '95 ch.229 §37 relative to costs in criminal cases in principal courts in cities under 5000. 49, 11 Mr 03
- nn.** Providing county funds for necessary expenses not otherwise provided for in trial of criminal cases; judge of District Court undersign warrants. 204, 14 Ap 03
- D.** Relating to payment of costs in criminal prosecutions in organized counties. 165, 10 Mr 03
- nn.** Prosecutor to be taxed with costs in cases of embezzlement where settlement has been made before trial. 300, 2 Ap 03

**Sentence. Execution***See also* System of sentencing and reform, 363

- n.** Amending G. S. '01 §5725 relating to stay of execution in criminal cases; procedure. 389, 9 Mr 03
- J.** Time spent by defendant in criminal proceedings in county or workhouse or state prison pending writ of error to be deducted from period of sentence. Supplementing '98 ch.58. 58, 24 Mr 03
- M.** Executions to take place within inclosure before not over persons. Amending C. L. '97 §1067. 76, 17 Mr 03
- D.** Death penalty: to be inflicted within inclosure at state penitentiary; trial judge to fix date; persons who may be admitted; extension of sentence in certain cases; execution to take place between 6 and 9 [formerly 3 and 6] months after judgment is entered. Amending R. C. '99 §8305, 8308. 99, 9 Mr 03
- .** Amending Ann. C. & S. §1456-58 relating to execution of sentence. 166, 16 F 03
- sh.** Term of sentence of person convicted of felony to commence on date of imposition or, if appeal is taken, on date of filing mittimus. 35, 5 Mr 03
- y.** Amending R. S. §669 and repealing §5414 relative to duties of clerk of court and sheriff in committing convict to penitentiary. 13, 17 F 03

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**Jury***See also Jury (civil procedure) 725*

- a **Col.** Juries in criminal trials before justices court to fix punishment in verdict. 135, 8 Ap 03

231

**Challenge**

- a **Minn.** State to be entitled to 10 [formerly 7] peremptory challenges of jurors if offense charged is punishable by death or life imprisonment. Amending S. '94 §7364. 196, 14 Ap 03

233

**Criminal jurisdiction**

- a **Ark.** Circuit Court, or judge in vacation may restrain inferior courts in county from exceeding criminal jurisdiction. Amending S. '94 §1952. 168, 27 Ap 03
- b **N. H.** Amending Constitution pt2 art.76: Legislature may give police courts jurisdiction in criminal causes, not punishable by imprisonment in state prison; respondent to have right of appeal. *Rejected March 1903.*

Constitutional Convention 1902, amendment 5

- bi **Tex.** Amending Crim. P. art.63 relating to jurisdiction in cases where 2 or more courts have concurrent jurisdiction. 124, 1 Ap 03
- c **Vt.** Person brought before town or municipal court, if case beyond jurisdiction of court, may waive examination and court may bind over for trial in County Court. 46, 12 N 02

234

**Crimes and offenses**

Penalties incidental to enforcement of statutes are not duplicated here, but references to them will be found in the subject index under Penalties.

- a **Cal.** Misdemeanor to commit certain acts injurious to person or property or the public for which no punishment is prescribed by penal code. Adding §650½ to Pen. C. 201, 19 Mr 03
- b **Wis.** Amending S. '98 §925 subdiv.67 relating to punishment of persons convicted in city police court. 41, 27 Mr 03

236

**Crimes against the government**242 **Escape of convict**

- a **Fla.** Amending R. S. '92 §2591 relating to escaping prisoners. 49, 5 Je 03

243 **Harboring fugitives**

- a **Ok.** Felony to harbor criminals or fugitives. Amending S. '03 §2057-58. 12, art.2, 7 Mr 03

246 **Perjury**

- a **Del.** Perjury or subornation punishable by fine of \$500 to \$2000, imprisonment for 1 to 10 years [formerly, 1 hour in pillory] and whipping with 40 lashes at discretion of court. Amending R. C. ch.130 §1. 463, 7 Ap 03
- b **Nev.** Swearing falsely or making unqualified statement of what is not known to be true, to be deemed perjury. Amending C. L. '00 §4741. 33, 6 Mr 03

## CRIMINAL LAW CRIMES AND OFFENSES

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**Anarchy**

- a **Cal.** Felony to commit or attempt to commit assault on president, vice president, governor of state or territory, United States justice or judge or secretary of any executive department of United States; minimum penalty, imprisonment for 10 years. 55, 28 F 03
- b **Ct.** Death penalty for attempt to kill president or foreign ambassador. 106, 15 My 03
- c **Wash.** Felony to advocate criminal anarchy. 45, 7 Mr 03
- d **Wis.** Anarchy: felony to advocate overthrow of organized government by violence or assassination. 343, 21 My 03

250

**Bribery**

- a **Nev.** Bribery of voter or legislator and intimidation of voter declared felony and punishable by imprisonment for 1 to 11 years; bribery defined; bribery in candidate for United States Senate to pay campaign expenses of candidate for Legislature. 106, 16 Mr 03
- b **Okl.** Disfranchisement of 10 to 20 years for giving or taking bribe. Amending S. '03 §1977-78. 13, art.1, 16 Mr 03

252

**Flags: desecration of**

- a **Del.** Misdemeanor to desecrate national flag by advertisement or otherwise. 466, 31 Mr 03
- b **Mo.** Misdemeanor to use United States flag for advertising purposes or publicly to defy it. p.165, 23 Mr 03
- c **Neb.** Prohibiting desecration of flag by mutilating it or using it for advertising purposes; penalty. 139, 8 Ap 03
- d **N. M.** Misdemeanor to insult American flag or use it for advertising purposes. 63, 14 Mr 03
- e **N. Y.** Misdemeanor to deface, defy or place on merchandise for sale flag or standard of United States or New York state; definitions; exceptions. Amending Pen. C. §640 subdiv.16. 272, 24 Ap 03
- f **U.** Misdemeanor to defy, deface or use for advertising purposes flag of United States; exceptions. 33, 4 Mr 03

256

**Crimes against public order and security***See also* Public order, 870

- a **Wis.** Cities may punish persons who engage in fighting or in assaults or who use abusive or obscene language. 138, 28 Ap 03

258 **Disorderly conduct**

- a **Fla.** Prohibiting shooting or reckless use of firearms on passenger boats over 100 tons; penalty. 64, 4 Je 03
- b **Mo.** Minor amendment to R. S. '99 §2159 relating to disturbing the peace. p.164, 21 Mr 03
- c **Mo.** Penalty for maliciously shooting into dwelling houses or outhouses. p.163, 23 Mr 03



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- d N. J. Magistrate may commit disorderly persons to county jail or state penitentiary. Amending '98 ch.239 §10, 18, 24, 29, 34.

117, 7 Ap 03

260 Vagrancy

- a Ark. Person convicted of vagrancy before justice of peace or mayor to be fined or worked on public roads [formerly imprisoned]. Amending S. '94 §1919.

171, 27 Ap 03

- b Cal. Vagrant may be punished by imprisonment for 6 months or fine of \$500 or both; defining vagrancy. Amending P. C. §647.

89, 9 Mr 03

- c Ga. Amending Pen. C. §453 relating to vagrancy: extension of term; arrest; trial by jury; punishment.

p.46, 17 Ag 03

- d N. D. Defining vagrancy; penalty.

206, 13 Mr 03

- e Okl. Prohibiting vagrancy; definition; penalties.

12 art.4, 28 F 03

- f Vt. Transient person stealing ride on freight train or engine to be deemed a tramp; justices of peace and municipal courts to have current jurisdiction with county court. Amending S. '94 §4761—'96 ch.106.

120, 11 N 03

262 Weapons

- a Fla. County commissioners may grant license to carry firearms only to persons 21 and of good moral character. Amending '93 ch.33 §2.

34, 26 My 03

- b Kan. Misdemeanor to carry concealed weapons.

216, 11 Mr 03

- c Mon. Misdemeanor to carry concealed weapon; fine of \$50 to \$500 for carrying concealed weapon at public gathering.

35, 27 F 03

- d Mon. Misdemeanor for Indian to carry firearm while away from reservation; such weapons to be seized and sold; disposition of proceeds.

84, 5 Mr 03

- e Neb. Amending C. S. '01 §6676 relative to penalty for carrying concealed weapons.

131, 17 Mr 03

- f Nev. Fine of \$20 to \$500 for carrying concealed weapons, except by permit from county commissioners.

114, 17 Mr 03

- g S. C. Prohibiting making, selling, leasing, exchanging or transporting into state pistols less than 20 inches long and 3 pounds in weight; fine not exceeding \$1000 [formerly \$100] or imprisonment for not more than 2 years [formerly 20 days]. Amending '02 ch.390.

86, 2 Mr 03

264 Crimes against public morals and the family

See also Cruelty to children and animals; §51 Sunday observance, 221

- a N. D. Amending R. C. '99 §7156, 7159-60, 7166 as to definition of rape and of abduction for prostitution.

100, 10 Mr 03

- b Okl. Amending S. '03 §2307-303 relating to indecent exposure, obscene exhibitions and prints, and disorderly houses: attorney [formerly district] to have jurisdiction; penalty.

11 art.3, 16 Mr 03

## CRIMINAL LAW CRIMES AND OFFENSES

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## 266 Abortion

- a **Kan.** Person attempting to cause abortion guilty of manslaughter in the 2d degree *if death ensues*. Amending G. S. '01 §2000. 214, 4 Mr 03

## 270 Bastardy

- a **Ga.** Amending Pen. C. '95 §642 increasing requirement for *medical care and support* in bastardy case. p.57, 18 D 02
- b **Me.** Amending R. S. '83 ch.97 §3 relating to commitment of accused in bastardy cases on failure to give bond; costs. 24, 26 F 03

## 272 Bigamy

- a **Pa.** Bigamy a misdemeanor; second marriage void; exemptions; time limit for indictment. 81, 27 Mr 03

## 278 Indecency

- a **Mich.** Felony for male persons to perpetrate acts of gross indecency on other male persons. 198, 10 Je 03
- b **N. M.** Indecent exposure in incorporated places a misdemeanor. 117, 19 Mr 03

## 280 Obscene literature

- a **Or.** Amending Ann. C. & S. §1935 relating to publication and distribution of obscene literature: prohibiting narration or publication of accounts of crime, lust or bloodshed. p.67, 16 F 03

## 288 Seduction

- a **S. D.** In action brought for seduction actual and exemplary damages may be recovered. 212, 25 F 03
- b **Tex.** Seduction: prosecution suspended by reason of marriage may be continued if husband deserts or maltreats wife within 2 years. Amending Pen. C. art.967, 969. 136, 1 Ap 03

## Crimes against persons

292

## 294 Abduction

- a **N. C.** Abduction of or elopement with married woman a felony; proviso; imprisonment 1 to 10 years. 362, 3 Mr 03

## 296 Assault

- a **Fla.** Penalty for assault and battery limited to *6 months in county jail at hard labor* or to \$500 [formerly \$1000] fine. Amending R. S. '92 §2401. 30, 14 My 03
- b **Neb.** Repealing and reenacting without change C. S. '01 §6668 relating to penalty for assault. 130, 8 Ap 03
- c **Or.** Amending Ann. C. & S. §1772, 2194 relating to trial of cases of assault in justices court. p.294, 24 F 03
- d **Tex.** 2 to 15 [formerly 7] years imprisonment in penitentiary for assault with intent to kill; double punishment for person *lying in wait or shooting into private residence* or using bowie knife or dagger. Amending Pen. C. art.605. 104, 2 Ap 03

## 298 Blackmail

- a **Kan.** Blackmail to be deemed felony; penalty, imprisonment for 1 to 5 years and fine not exceeding \$1000. 215, 4 Mr 03

**299 Careless shooting**

- a Mich. Penalty for careless shooting of persons b prosecuting attorney or sheriff of county to prosecute. 121
- b S. D. Misdemeanor for minor under 15 to use firea 1 mile of municipality.

**304 Homicide**

- a N. H. Abolishing death penalty for murder in 1st deg jury affix same to verdict; otherwise life imprisonment. P. S. ch.278 §5. 11
- b Wash. Penalty for murder in 2d degree, imprisonment for not less than 10 years *or for life* [formerly than 20 years]. Amending Ann. C. & S. '97 §7038 121

**308**

**Crimes against property**

**310 Arson**

- a Mon. Defining "building" in chapter on arson so as tents, camp wagons and sheep wagons. Amending Pen. 2
- b N. C. Arson to burn stable containing cattle. An §985 subdiv.2. 66

**312 Burglary**

- a N. Y. Defining "building" in chapter relating to burglary to include inclosed ginseng garden. Amending Pen. C. 332
- b O. Amending '02 p.561 fixing penalty for burglary. p.1.
- c S. D. Increasing penalties for burglary in 2d and Amending Pen. C. '03 §569. 8

**318 Defrauding liverymen and hotel keepers**

- a Cal. Misdemeanor to abscond from *hotel*, inn, *restaurant house* without paying bill. Amending P. C. §537. 2
- b Cal. Misdemeanor to defraud owner of livery stable or hired horse. Adding §537<sup>3/4</sup> to Pen. C. 142.
- c Col. Misdemeanor to defraud livery keeper of legal 96.
- d Id. Misdemeanor fraudulently to obtain board or lod of law to be posted. p.41
- e U. Amending R. S. '98 §4470 relating to penalty for food or lodging under false pretenses at hotel, inn, board or *lodging house*.
- f Wash. Misdemeanor fraudulently to obtain food or hotel, boarding house, restaurant or lodging house; proo 131,

**320 Electric apparatus, and power; water and gas mains and n**

- a Ari. Misdemeanor to divert electric current or tamper meter. 60

## CRIMINAL LAW CRIMES AND OFFENSES

320-

- b Cal. Penalty for giving false fire alarm or tampering with fire alarm apparatus. Adding §625a to Pen. C. 126, 13 Mr 03
- c Ct. Amending G. S. '02 §1425 relative to defrauding of gas companies by illicit use of gas or tampering with pipes. 21, 21 Ap 03
- d Fla. Unlawful to injure or tamper with gas, water or electric meter; penalty. 89, 4 Je 03
- e Id. Prohibiting injury to electric lines; penalty. p.341, 4 Mr 03
- f Minn. Amending '97 ch.327 as to penalty for tampering with electric lines, meters and other apparatus. 48, 10 Mr 03
- g Mon. Person interfering with electric apparatus may be fined \$500 or imprisoned for 1 year. Adding §1077 to Pen. C. 71, 5 Mr 03
- h N. J. Misdemeanor to tamper with electric wires, *water or gas pipes*. Amending '98 ch.235. 203, 8 Ap 03
- i N. M. Misdemeanor maliciously to injure ditch, flume, pipe line or to defile water used for domestic purposes; penalties. 21, 10 Mr 03
- j N. C. Misdemeanor to fell trees across telephone or electric light wires. 616, 9 Mr 03
- k N. D. *Wilful or malicious* injury to telegraph or telephone lines a misdemeanor. Amending R. C. '99 §7553. 197, 9 Mr 03
- l S. D. Unlawful to injure or obstruct gas, water or electric meter, or to render false report of amount consumed; penalties. 177, 11 Mr 03
- m Tenn. Injury of waterworks plant or pollution of water made an indictable offense. 310, 10 Ap 03
- n U. Penalty for injuring apparatus for transmission of electric current. 123, 23 Mr 03
- p Wash. Prohibiting *wanton* injury to electric apparatus. Amending '99 ch.III. 112, 16 Mr 03
- 322 **Embezzlement**
  - a Fla. Embezzlement to receive same punishment as larceny. 55, '03
  - b Ind. Penalty for embezzlement of less than \$25, imprisonment for 1 year and \$500 or less; penalty for second offense, same as for larger sum. Amending Burns's Ann. S. '94 §2022. 20, 20 F 03
  - c N. H. Penalties for embezzlement by fiduciaries. 20, 24 F 03
  - d Vt. Amending S. '94 §4951 relating to embezzlement of officer or agent of *trades union, joint stock company, fraternal or unincorporated association*; person to be deemed guilty of embezzlement, *even if he has interest in money or property secreted*. 122, 9 D 02
  - e W. Va. Penalty for embezzlement by public fiscal officers \$50-\$100 for each offense [formerly \$100-\$500 and imprisonment for 2-12 months]. Amending C. ch.41 §54. 17, 28 F 03
  - f W. Va. Amending C. ch.145 §19, 22 relating to embezzlement of agents, clerks, corporations and associations and fiduciaries: form of indictment; failure to account for moneys to be prima facie evidence of embezzlement. 18, 21 F 03

324 False pretenses

- a Fla. Larceny to obtain goods or credit on false pretenses.

29, 13 My 03

326 Injury. Trespass. Malicious mischief

*See also* Trespass (hunters), 1908

- a Ct. Penalty for trespass by bee hunters. Amending G. S. '02 §1214. 41, 23 Ap 03

- b Fla. Fixing penalties for breaking or entering building with intent to commit misdemeanor. 48, 5 Je 03

- c Fla. Amending R. S. '92 §2515, '91 ch.36 §1, 2, increasing penalties for trespass on inclosure. 123, 12 My 03

- d Fla. Increasing penalties for throwing down or injuring fences. Amending R. S. '92 §2533. 147, 24 Ap 03

- e Id. Misdemeanor to injure fences or leave gates open. p.427, 10 Mr 03

- f Me. Fine of \$50 [formerly \$10] or 3 months imprisonment for wanton injury of book, picture or statue owned by libraries open to public or of statue on public grounds. Amending R. S. '83 ch.127 §18. 62, 10 Mr 03

- h Mich. Amending C. L. '97 §10217 relating to prosecution of trespass cases. 247, 18 Je 03

- i Mon. Maliciously tearing down fences or inclosures a misdemeanor. 41, 28 F 03

- j Mon. Misdemeanor maliciously to remove brass, packing or waste from machine operated by steam or electricity. 46, 3 Mr 03

- k S. C. Misdemeanor for any one other than the owner to leave open gates or fences inclosing animals, *crops or uncultivated lands*. Amending Crim. C. § 176. 72, 2 Mr 03

- l U. Misdemeanor to commit trespass by using personal property of other person. Amending R. S. '98 §4430. 101, 12 Mr 03

- m Wash. Misdemeanor maliciously to injure or destroy personal property. 14, 21 F 03

- n W. Va. Misdemeanor to trespass on orchard, field, garden or market garden; felony, when damage exceeds \$50. 41, 28 F 03

328 Larceny

- a Ari. Grand larceny to take horses, mules, sheep, swine or neat cattle. Amending Pen. C. '01 §444. 18, 12 Mr 03

- b Col. Stealing ore *valued at \$20 to be deemed grand larceny* [formerly felony]. Amending Ann. S. '91 §3234. 146, 11 Ap 03

- c Fla. Larceny of sheep or lambs punishable by 1 to 2 years in state prison at hard labor. 31, 14 My 03

- d Kan. Stealing goat, harness, saddle or domestic fowl by night to be deemed grand larceny. Amending G. S. '01 §2069. 218, 11 Mr 03

- e Minn. Misdemeanor to steal grain, flaxseed or other property from railroad cars. 278, 18 Ap 03

## CRIMINAL LAW CRIMES AND OFFENSES

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- f **Mo.** Grand larceny to steal fowls in the night or to purchase stolen fowls; penalty. Adding §1901a to R. S. '99 p.161, 18 Mr 03
- g **S. C.** Penalty for stealing grain, cotton or vegetables valued at less than \$10 from field, imprisonment 20 to 30 days or fine \$50 to \$100. Amending Crim. C. §169. 71, 23 F 03
- h **S. D.** Stealing of live stock under \$20 in value is grand larceny. Amending Pen. C. '03 §608. 151, 3 Mr 03
- i **U.** Penalty for grand larceny imprisonment for 1 to 10 years and fine of \$50 to \$100 or imprisonment alone. Amending R. S. '98 §4361. 5, 4 F 03
- j **Wash.** Stealing fixtures exceeding \$30 in value from real estate or possessory claim to be deemed grand larceny or less than \$30, petit larceny; penalties. 13, 21 F 03
- 330 **Receiving stolen goods**
  - a **Col.** 1 to 10 years' imprisonment for buying stolen ore. Amending Ann. S. '91 §3234. 146, 11 Ap 03
  - b **N. D.** Amending R. C. '99 §745-48 relative to penalty for receiving stolen goods *with intent to deprive owner*. 190, 2 Mr 03
- 332 **Robbery**
  - a **Ga.** Amending Pen. C. §151 defining robbery. p.43, 6 Ag 03
  - b **Mo.** Feloniously taking property of another from his person, or from his wife, servant, clerk or agent in charge to be robbery in the first degree. Amending R. S. '99 §1893. p.162, 24 Mr 03
  - c **Wash.** Penalty for robbery, imprisonment in penitentiary for 5 [formerly 1] to 20 years. Amending Ann. C. & S. '97 §7103. 5, 5 F 03
- 334 **Miscellaneous**
  - a **Col.** Misdemeanor to remove waste, brasses etc. from journal boxes, or any attachment of locomotive, or dynamo used on railroad or in mine. 99, 10 Ap 03
  - b **Del.** Misdemeanor to threaten to injure or destroy property. 462, 31 Mr 03
  - c **Fla.** Cutting, boxing or removing timber from land of another a misdemeanor. 154, 3 Je 03
  - d **Ga.** Misdemeanor to cheat or defraud corporation. Amending Pen. C. '95 §670. p.58, 10 D 02
  - e **Ind.** Penalty for obtaining money fraudulently by check, draft or order. 205, 9 Mr 03
  - f **S. D.** Felony to remove waste, packing or brasses from journal boxes of railway cars, engines, etc. 168, 9 Mr 03
  - g **Tenn.** Misdemeanor to take any animal from hitching place or public highway for temporary use without owner's consent. Amending C. §6499. 162, 18 Mr 03
  - h **Tenn.** Malicious burning of timber, lumber or their manufactured products made a felony. Amending C. §6531. 535, 1 Ap 03
  - i **Wy.** Felony to remove waste, packing or brass from journal box of railway car, engine etc. 14, 17 F 03

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## Corrections

BY HELEN PAGE BATES PH.D.

*See also* State institutions, 60; Charities, 2140

- a **Va.** Amending C. §232, '92 ch.313, '00 ch.1137, '02 ch.581 relating to administration of state penitentiary, branch prisons prison farms; reorganizing Board of Penitentiary Directors; powers and duties. 171-72, 175, 24 A

### 337 State boards

- a **Ind.** Superintendent of Indiana Reformatory, secretary of Board of State Charities and warden of State Prison and 3 appointed by governor to constitute prison commission; to investigate conditions of jails, workhouses and prison labor; report to Legislature of 1905. 243, 11 M

### 338 County boards

- a **Mo.** Judge of Circuit Court to appoint, at his discretion on petition of 15 reputable citizens, county board of visitors, consisting of 3 women and 3 men, to examine corrective institutions of counties or municipalities; complaint to court or officials having jurisdiction annual report to secretary of State Board of Charities. p.59, 23 M

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## Penal institutions

### 341 State prisons, government and maintenance

- a **Kan.** State Penitentiary: convicts may not be employed outside of penitentiary grounds except on public works; prohibiting employing persons other than convicts at expense of state; each employed who is head of family to be given 100 bushels of coal annually 39, 11 M
- b **Pa.** Active or visiting committees of societies for visiting and instructing prisoners made official visitors; society to notify warden of names of visitors. 48, 20 M
- c **Va.** General law relative to organization, government and discipline of State Penitentiary. 201, 5 M
- d **W. Va.** Generally amending C. ch.163 relating to State Penitentiary. 45, 20 I

### 342 Prison officers

- a **Neb.** Governor to appoint matron to have charge of female prisoners in State Penitentiary. Amending C. S. '01 §5149, §5162. 113, 6 A
- b **Or.** Matron to be appointed by governor to care for women prisoners in State Penitentiary; salary \$480. p.134, 18 I
- c **Tenn.** Board of Prison Commissioners may grant annually 10 days leave of absence and 5 days sick leave with pay to guard State Penitentiary. 435, 15 A
- d **Tex.** Employee of State Penitentiary not to purchase goods from penitentiary system, or use services of convict or property of institution without permission of Penitentiary Board, or accept c

## CRIMINAL LAW CORRECTIONS

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pensation from person hiring convicts; felony to offer such compensation. 106, 2 Ap 03

- e **Wash.** Submitting amendment to Constitution art. I §11: Legislature may appoint chaplains for state penal and reformatory institutions. *Vote November 1904.* 147, 16 Mr 03

- f **Wy.** State Board of Charities and Reform may appoint chaplain for State Penitentiary; salary \$300; annual report to governor. 19, 17 F 03

## 343 Reform schools and reformatories

## 345 Institutions for women and girls

- a **Col.** State Industrial School for Girls: term of commitment shall be to 21 years; parole; *misdemeanor* [formerly felony] to aid any girl to escape from parole. Amending '97 ch.15 §29, 39, 43. 115, 4 Ap 03

- b **Col.** Counties liable for safeguarding, maintenance and instruction of girls committed to State Industrial School *till final discharge by board of control.* Amending '99 ch.141 §1. 116, 10 Ap 03

- c **Del.** Amending R. C. p.360-61 ('93 ch.637 §1, 3-6) relating to Delaware Industrial School for Girls: commitment of girls *under 18* [formerly 12-21]; procedure; treatment of cases of insubordination. 363, 31 Mr 03

- d **Ind.** Indiana Industrial School for Girls to be separated from Woman's Prison; commission consisting of governor and 4 appointees to select sites and plans for buildings. 241, 11 Mr 03

- e **Mass.** Providing for term of imprisonment and for release on good behavior of prisoners in State Reformatory Prison for Women. 209, 9 Ap 03

- f **Neb.** Minor amendment to C. S. '01 §4190 relating to commitment to Girls Industrial School. 70, 10 Ap 03

- g **N. J.** Governor to appoint 5 commissioners to investigate and report to Legislature of 1904 on advisability of establishing state reformatory for women. p.523, 7 Ap 03

## 346 Reform schools

- a **Ari.** Name of Territorial Reform School changed to Territorial Industrial School. Amending R. S. '01 §3733. 72, 19 Mr 03

- b **Id.** Establishing Industrial Reform School in Fremont county: site to be selected by commission appointed by governor; board of trustees; qualifications of teachers; 60,000 acres of land set aside for use of school; loan of \$50,000 for farm and buildings; ¼ mill tax to pay bonds; commitment of delinquent and neglected children between 8 and 18; parole; discharge. p.12, 16 F 03

- c **Id.** Board of Land Commissioners to set aside 40,000 [formerly 60,000] acres for Industrial Reform School; farm; bonds. Amending '03 p.12. p.291, 6 Mr 03

- d **Ind.** Changing name of Indiana Reform School for Boys to Indiana Boys School. Amending Horner's R. S. '01 §6203. 87, 5 Mr 03



- e **Me.** Changing name of State Reform School to State for Boys. Amending R. S. '83 ch.142 §1. 144, 2
- f **Mo.** Changing name of State Reform School for Missouri Training School for Boys. Amending R. S. '99 p.202, 2
- g **N. M.** Establishing New Mexico Reform School, for delinquents under 18 convicted of crime not punishable imprisonment, also minors under 18 of vagrant or vicious 3 commissioners appointed by governor to select site in of Taos, Rio Arriba, or San Juan; managing board of 5 appointed by governor; board to erect and equip institut point and remove officers and employees. 2,
- h **Or.** Reorganizing board of trustees of State Reform S consist of governor, secretary of state and *state treasurer* [superintendent of public instruction was included]; superi of public instruction to visit school four times a year and to board. Amending Ann. C. & S. §3628-29. p.330,
- i **Pa.** Reenacting '01 ch.125 relating to maintenance of delinquent committed to houses of refuge partially und control. 77, 2
- j **Pa.** Counties to pay for maintenance of children comm industrial schools not under state control when parents are to do so; provisos. 149, 1
- k **W. Va.** Amending '89 ch.3 §14, 15, '93 ch.6, '97 ch.26 rel West Virginia Reform School: boy committed for peni offense, proving intractable, may be sentenced to peniten trial court; governor may commit minor under 16 in peni to reform school; penalties. 31,

347 **State reformatories**

- a **Ct.** Creating Reformatory Commission, consisting of 5 to be appointed by governor; to investigate commitment and prisons, and reformatory institutions of other states; t site and prepare plans for Connecticut Reformatory for M port to Legislature of 1905; \$50,000. 180,
- b **Ind.** Amending '99 ch.181 relating to board of manag Indiana Reformatory: governor may remove manager for c hearing; compensation of members of board \$300 each. 4,
- c **S. C.** Salary of chaplain of penitentiary for services at atory. 80,

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**Local institutions**

- a **Va.** Court may allow \$10 a year for medical attendance oners in jail on verification of account by physician Amending C. §4079. 24,

349 **County and township jails and workhouses**

- a **Me.** Amending R. S. '83 ch.21, 141 §15-22 relating to adrtion of town workhouses and houses of correction; *town of poor* [formerly selectmen] to have charge and to appoi

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- masters and assistants; discipline, enforced labor; commitment; support; workhouses may be discontinued or appropriated for other purposes; county houses of correction abolished. Repealing R. S. '83 ch.141 §1-14. 37, 38, 4 Mr 03
- › **Me.** Repealing R. S. '83 ch.78 §16 relating to annual report on prisons made by county commissioners and sheriff. 71, 11 Mr 03
- ː **Me.** Persons sentenced by trial justices, judges of police and municipal courts may be committed to jail, workhouse or house of correction outside county if latter has no suitable institution. 85, 12 Mr 03
- 1 **Neb.** County board to appoint matron of jail where female prisoner is confined; may appoint matron to have charge of sick prisoner or minor under 16. Amending C. S. '01 §3536. 55, 8 Ap 03
- ː **N. M.** When jail contains over 30 prisoners county commissioners may levy 3 mill tax to provide additional quarters. 66, 14 M 03
- f **Vt.** Amending S. '94 §5279 as to payment of expense of lighting county jails. 129, 12 D 02
- g **Wis.** County boards may acquire lands, locate, equip and maintain county houses of correction; disposal of lands. 356, 20 My 03
- o **Municipal jails. Police matrons**
- a **S. D.** Board of trustees of incorporated town may erect jail. 94, 28 F 03

## Convicts (commitment, management)

- a **Ark.** Providing for separation of white from negro state and county prisoners. 95, 20 Mr 03

## Commitment. Discipline. Transportation

- a **Ark.** *Sheriffs* [formerly Board of Commissioners of Penitentiary] to transport convicts to State Penitentiary. Repealing S. '94 §5537-38. 43, 27 F 03
- b **Ga.** Misdemeanor to enter guard lines of State Penitentiary with weapon or liquor, or to traffic with convicts, without consent of deputy warden; latter may appoint arresting officers to enforce act. p.71, 17 Ag 03
- c **Mass.** Verbal amendment to R. L. ch.225 §28 relating to escape of prisoners. 207, 9 Ap 03
- d **Mass.** Expense of removing prisoners from one jail or house of correction to another to be borne by county from which prisoner is removed; of removing prisoners to or from state institution to be borne by state. Amending R. L. ch.225 §108. 354, 15 My 03
- e **Minn.** Persons charged with or convicted of crime to be conveyed in closed vehicle when transferred from one place of detention to another in cities over 50,000. 207, 14 Ap 03
- f **N. Y.** Misdemeanor to visit State Prison or other place of detention or to communicate with or carry articles to or from any prisoner without authority. Amending Pen. C. §160. 333, 6 My 03

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**Convict labor**

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**General state account system**

- a **Ill.** Convict labor: system of prison industry to be determined by Board of Prison Industries; same to be carried out by managers of penal and reformatory institutions; work not exceeding 8 hours a day to be graded according to corrigibility of prisoners with view to later self-support; price of labor and goods to be fixed by Board of Classification; after July 1, 1904, no convict labor to be furnished to any contractor; penalties; state's attorneys of counties to prosecute. p.271, 11 My 03
- b **Mass.** Verbal amendment to R. L. ch.225 §51 relating to purchase of implements and tools used by prisoners. 213, 9 Ap 03
- c **N. Y.** Amending '89 ch.382 §105 relating to manufacture and sale of prison commodities. 447, 7 My 03
- d **Okl.** Amending S. '03 §4007 directing governor to contract for care of convicts: male convicts under 5 year sentence to labor on highways; contract price. 24, 16 Mr 03
- e **Or.** Amending Ann. C. & S. §3678 as to convict labor; compensation received therefor to constitute penitentiary betterment fund to be used under supervision of governor to improve penitentiary buildings. p.198, 24 F 03

356

**Contract and lease system**

- a **Fla.** Comptroller to distribute amount paid for service of state prisoners among counties according to *their assessed valuation* [formerly, the number of prisoners from each county]. Amending '95 ch.3 §11. 51, 3 Je 03
- b **Ga.** Prison Commission may lease felony convicts for period of 5 years from Ap. 1, 1904; exceptions; classification; apportionment among counties; regulations; disposition of convict hire; transportation. Amending and supplementing '97 p.51 §6, 10, 11. p.65, 17 Ag 03
- c **Ind.** Term of contracts for convict labor limited to Oct. 1, 1910 [formerly 1904]; contracts to be awarded to highest *and best* bidder. Amending '99 ch.27 §4. 16, 14 F 03
- d **Tenn.** Contracts for convict labor may be extended to Mar. 1, 1909 [formerly 1903]. Amending '97 ch.39 §4. 40, 27 Ja 03

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**County and municipal convicts**

- a **Fla.** County commissioners may employ on public works persons under detention for misdemeanor; regulations. 155, 3 Je 03
- b **N. J.** Magistrate may order that tramps wear ball and chain while doing enforced labor. Supplementing '98 ch.239 §9. 53, 19 Mr 03
- c **Pa.** Amending '99 ch.75 §7 authorizing county prison boards to employ deputies to supervise prisoners employed outside of jails: proviso. 232, 24 Ap 03

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**S. C.** Able bodied male convicts under sentence for less than 10 [formerly 7] years may be sentenced to hard labor on public works in county. Amending Crim. C. §77. 70, 23 F 03

**Roads**

**Cal.** Directing State Prison directors to employ prisoners in construction of certain roads. 116, 12 Mr 03

**S. C.** Cities and towns may own rock quarries for improving roads and streets and may operate them with convict labor. Amending C. C. by adding §2023c. 46, 20 F 03

**Sale of goods**

**Col.** Regulating sale of convict-made goods: goods to be plainly marked; dealers must secure license from secretary of state; annual license fee, \$500; deputy labor commissioner to enforce; penalties. 149, 8 Ap 03

**Minn.** Sale of binding twine manufactured at State Prison at Stillwater to be under control of warden and *Board of Control of State Institutions* [formerly board of managers]; penalty. Amending '99 ch.183. 104, 30 Mr 03

**Special industries**

**Mo.** Establishing binding twine plant at penitentiary. p.24, 13 Mr 03

**Tenn.** Board of Prison Commissioners may purchase coal lands, not exceeding 15,000 acres, at average price of \$12 an acre for utilizing labor of convicts; regulations. 378, 15 Ap 03

**Wash.** Convicts at State Penitentiary may be employed at preparing rock or other materials for roads and streets; State Board of Control to dispose of materials. 138, 16 Mr 03

**Criminal insane**

**Ga.** Providing for examination and commitment to state sanatorium of convicts becoming insane after conviction for capital offense. p.77, 17 Ag 03

**Me.** Governor to appoint resident physician in each county as examiner of insane convicts in county jail; commitment of persons becoming insane before sentence is made, or on expiration of term; support. Amending R. S. '83 ch.137 §5, '93 ch.295 §1. 147, 26 Mr 03

**Mo.** Relating to discharge of convicts who, having been committed to insane asylums, have recovered. Adding §4889a to R. S. '99. p.202, 21 Mr 03

**Or.** Governor on examination of asylum physician may transfer insane or idiotic convicts from state prison to state insane asylum. Amending Ann. C. & S. §3623. p.72, 16 F 03

**Pa.** Insane prisoner convicted of homicide or attempted homicide may not be discharged unless superintendent, *three fourths* [formerly all] of managers and trial court are satisfied that he has recovered. Amending P. & L. Digest '94 p.2306. 36, 19 Mr 03

# 363 System of sentencing and reform. Parole. Pardon

## 366 Commutation of sentence

- a N. Y. Convict *under definite sentence* for over 1 year may earn commutation or diminution of sentence. Amending '86 ch.21 §1.

137, 6 Ap 03

- b Tenn. Board of Prison Commissioners may disallow good time for bad conduct; proviso.

343, 15 Ap 03

## 367 Discharge

- a Cal. Persons convicted for penal offense *for term exceeding 30 days* to be discharged on Monday. Amending Pen. C. §28.

202, 19 Mr 03

- b Mass. Amending R. L. ch.225 §136 relative to aid to discharged prisoners.

212, 9 Ap 03

- c N. H. Clothes and \$10 [formerly \$3] may be furnished to each discharged convict. Amending P. S. ch.285 §17.

84, 24 Mr 03

## 368 Habitual criminals

- a Cal. Amending Pen. C. §666 and repealing §667 relating to penalties for second offense, first offense having been petit larceny or other offense punishable by imprisonment in the State Prison.

95, 9 Mr; 96, 9 Mr 03

- b Wash. Sentence of person convicted of felony for the second time to be at least twice as long as first sentence; imprisonment for life for third offense; person formerly convicted of felony to be punished as for grand larceny if convicted of petit larceny; trial of fact of former convictions.

86, 14 Mr 03

## 369 Identification. Records

- a Mich. Establishing central bureau at Michigan State Prison at Jackson for compiling records of convicts of state penal institutions: appointment of compiler; wardens to prepare individual records, measurements etc.; interstate exchange of records; \$500 annual appropriation.

27, 9 Ap 03

## 370 Indeterminate sentence

- a Kan. Indeterminate sentences: State Penitentiary for any crime except murder or treason; maximum and minimum sentence; board of directors and warden constituted prison board to regulate parole and release; parole on expiration of minimum term and release after 6 months. Repealing G. S. '01 §5686.

375, 13 Mr 03

- b Mich. Indeterminate sentences to state penal and reformatory institutions to be given all persons over 15 convicted of crime not punishable by life imprisonment; maximum and minimum sentence; on expiration of minimum term, governor may grant release on parole; prisoners previously twice convicted of felony debarr

136, 21 My 03

## 371 Juvenile offenders. Juvenile courts

See also Reform schools, 346; Probation 374; Dependent and neglected children, 217

- a Cal. Superior, justice and police courts to hold special sessions as juvenile courts; to try cases of dependent and delinquent c

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dren under 16; may appoint probation officers to investigate case, represent child at hearing and have custody before and after trial; county boards of visitation appointed by Superior Court to investigate institutions and associations receiving children; court may not commit child under 12 to jail pending trial; separate confinement in institutions. 43, 26 F 03

- b **Col.** Creating Juvenile Court and probation officers: to have jurisdiction over juvenile delinquents; wide extension of term; district attorneys of judicial district may appoint deputy for each county in district to serve as juvenile judge; county courts may appoint probation officers; qualifications, powers and duties; court may not commit to reformatory institution beyond 21 years; or detain delinquents under 14 in jail; special provisions for counties of 100,000; county courts to report annually to Board of Charities and Corrections; institutions receiving delinquents to report also to board and obtain annual certificate of approval. 85, 7 Mr 03

- c **Col.** County courts to have original jurisdiction in criminal cases against minors; procedure; transfer of causes to district court; appeal; court may on conviction release all minors on probation as in case of juvenile delinquents; suspension of sentence; probationer to be given statement of terms of release; probation officer to keep record of cases. 86, 7 Mr 03

- d **Col.** Misdemeanor to encourage delinquency of child; penalties; court may suspend sentence. 94, 7 Mr 03

- e **Col.** Fees of district attorneys in juvenile delinquent cases; delinquents charged with same offense to be joined in one information. 108, 7 Mr 03

- f **Col.** Amending '99 ch.136, §4, 7 relative to juvenile disorderly persons: to include habitual truants from 8 to 16 [formerly 14], vicious, incorrigible and immoral children and *those wandering about streets at night*; complaints may be preferred by truant officer, *school teacher or any reputable person*; commitment to reformatory till majority [formerly 16 years]; parole. Amending '99 ch.136 §4, 7. 164, 7 Mr 03

- g **Ct.** Boys under 10 to be committed to state school for boys only on conviction of state prison or *county jail* offense. Amending G. S. '02 §2824. 25, 14 Ap 03

**Ind.** Amending Burns's Ann. S. '94 §8273, as to committing girls who lack adequate means of support to Reformatory Institution for Women. 35, 26 F 03

**Ind.** Retention of vicious and criminal boys in Indiana Reformatory instead of Indiana Boys School. 142, 9 Mr 03

**Ind.** Juvenile courts to be held in each county; jurisdiction to extend to all cases involving custody of children and legal punishment of boys under 17 and girls under 18 arrested on criminal charge, probate jurisdiction excepted; selection of juvenile judge; appointment of county probation officers; powers and duties; report to court and Board of Charities; disposition of child; board to

- supervise institutions receiving children; no detention of child under 14 in jail; separate confinement in penal institutions. 237, 10 Mr 03
- k **Me.** Boys from 8 to 16 committed to state reform school may be released on probation; release from penalty and disabilities; recommitment; penalty for inciting to escape. Amending R. S. '83 ch.142. 22, 25 F 03
- l **Mich.** Amending C. L. '97 §2261 defining procedure in trial of juvenile offender: on suspension of sentence, court may place child on probation in charge of county agent, or some discreet person receiving no salary from county; child to be given written statement of terms of release. 221, 18 Je 03
- m **Minn.** Juvenile delinquents: cities of 50,000 to provide place of separate confinement; child under 14 may not be detained in jail or police station; court in trial of delinquent to clear court room. 387, 21 Ap 03
- n **Mo.** Establishing juvenile courts: circuit courts in *counties* of 150,000 [formerly cities of 350,000] to designate judge to try cases of neglected and delinquent children under 16; *court* [formerly Board of Charities] to appoint probation officer; salary \$1000 [formerly \$800]; city, prosecuting and circuit attorneys to give legal aid; court may suspend sentence and release child on probation or commitment; religious preferences to be respected; compulsory support of child; appeal from order of commitment; no detention of child under 16 in jail or police station; institutions receiving children to report to Board of Charities. Amending '99 p.135. p.213, 23 Mr 03
- p **Neb.** Boys under 18 found guilty of any crime except murder or manslaughter may be committed to state industrial school till majority; parole. Amending C. S. '01 §4175, 4181. 69, 10 Ap 03
- q **N. J.** Children's court: judge of Court of Common Pleas of county to constitute court for trial of children under 16 arrested for any crime, except murder or manslaughter, or for being disorderly, vagrant or incorrigible; procedure; commitment or parole under county probation officer; proviso. 219, 8 Ap 03
- r **N. Y.** Defining disorderly and ungovernable children; arrest and commitment. Amending Pen. C. §291 by adding subdiv.8. 50, 18 Mr 03
- s **N. Y.** In lieu of bail, captain or sargeant of police or magistrate in city over 500,000 may require lawful custodian of child under 16 arrested for violation of ordinance or Pen. C. §675 or labor law relating to sale of newspapers to give personal recognizance to produce child. Adding subdiv.4 to Crim. P. §554. 329, 6 My 03
- t **N. Y.** Children's Court: children *actually or apparently* under 16 arrested for violation of *law* [formerly penal code] *shall* [formerly may] be tried separately, and if practicable in separate room known as Children's Court. Amending Pen. C. §291 subdiv.7. 331, 6 My 03
- u **Okl.** Juvenile delinquents: district judge in case of child under 16 arrested on criminal charge may suspend judgment and sentence on first offense and release on own recognizance; report to court

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each term during pendency of judgment; act to become inoperative on establishment of territorial institution for incorrigible youth. 18, 3 Mr 03

v Or. Amending Ann. C. & S. §3639-43, 3649 relating to commitments to state reform school: county judges [formerly circuit judges also] to examine and commit. p.310, 25 F 03

w Pa. Magistrate or justice of peace may not commit juvenile delinquent to correctional institution; applications for commitment to be made only to Court of Quarter Sessions of county. 65, 26 Mr 03

x Pa. Counties to provide room or building wherein juvenile delinquents may be detained awaiting trial. 98, 3 Ap 03

y Pa. Court of Quarter Sessions of Peace in county [formerly also Court of Oyer and Terminer and General Jail Delivery] to designate juvenile judge to try cases of dependent, neglected and delinquent children under 16; appointment of probation officers; powers and duties; powers of court as to commitment; delinquent child may not be committed to institution for dependent children; dependent child if delinquent may not be committed to institution for delinquent children. Repealing '01 ch.185. 205, 23 Ap 03

z R. I. Amending '99 ch.664 §2, 6 relating to fees in cases of juvenile offenders: *exceptions*. 1116, 17 Ap 03

1 S. D. County courts to have jurisdiction in proceedings for commitment to reform school; majority to mean 21 years for both sexes. Amending Probate C. '03 §16, and C. C. P. '03 §709-10, 715. 195, 13 Mr 03

2 Tenn. Juvenile offenders: minors under 16 convicted of felony other than capital crimes and committed to penitentiary may be released on parole by order of governor; subject to be remanded at any time till final discharge; regulation of conduct; convict to make bimonthly report to warden. 537, 15 Ap 03

3 Wis. Amending '01 ch.90 §1, 2, 6 relative to Juvenile Court: to have jurisdiction in counties of 65,000 [formerly 150,000]; extension of term "delinquent;" court may continue hearing *till 16 years*: conviction in Juvenile Court may not be received as evidence in other courts; no costs taxed against defendant. 97, 20 Ap; 359, 20 My 03

## 2 Parole

a Ari. Convicts at end of 1st year's sentence may be paroled [formerly convicts previously convicted of felony, or having served 1 term in prison were debarred]. Amending R. S. '01 §3590. 55, 19 Mr 03

Minn. Board of Control of State Institutions may appoint state agent for aid and supervision of paroled prisoners; agent's salary to be paid from expense fund of institutions; agent to aid in securing employment. 286, 20 Ap 03

W. Va. Convicts, not having served 2 terms for felony, may be Paroled by governor at end of minimum term, when not under life Sentence; in case of sentence for 2 or more separate penitentiary



offenses, governor may terminate succeeding terms at end of 1st term of sentence. 45 §45, 46, 20 F 03

### 373 Pardons

- a Ark. Regulating applications for pardon: petitions; publication. 154, 20 Ap 03
- b Ind. Creating Board of Pardons; to examine petitions for pardon and report recommendations to governor. 236, 10 Mr 03
- c Me. Repealing '97 ch.133 §8-12 relating to pardons. 74, 11 Mr 03
- d Mich. Amending C. L. '97 §141, 143-46 relating to State Advisory Board of Pardons: 3 [formerly 4] members to be appointed for 6 [formerly 4] years by governor *with consent of Senate*; recommendations for pardon require vote of 2 [formerly 3] members. 239, 18 Je 03
- e N. J. Supplementing G. S. '95 p.2418 relating to Court of Pardons: members, except governor and chancellor, to receive \$20 a day, in lieu of mileage. 104, 2 Ap 03
- f N. J. Submitting amendment to Constitution art.5 ¶10: Court of Pardons to consist of governor, chancellor and *attorney general* [formerly 6 judges of Court of Errors and Appeals]; quorum. *Rejected September 1903.* 177, 8 Ap 03
- g N. D. Amending '01 ch.34 §2 relative to granting of pardons: 4 members of Board of Pardons to constitute a quorum; unanimous vote of *those present* required. 42, 3 F 03
- h U. Repealing '01 ch.102 relating to filling of vacancies in Board of Pardons. 85, 12 Mr 03
- i Va. Governor may remit fines and penalties in felony or misdemeanor cases in which authorized to grant pardon; procedure. 89, 16 Mr 03
- j Va. Amending and supplementing '00 ch.244 relating to grant of conditional pardons by governor; procedure. 192, 1 My 03

### 374 Probation

*See also Juvenile offenders, 371*

- a Cal. Where discretion as to extent of punishment is given, court may suspend judgment or execution of sentence; defendant to be under charge of probation officer. Amending Pen. C. §1203, 1213. 34, 23 F 03
- b Cal. Courts with original jurisdiction in criminal actions may appoint probation officers to investigate cases of persons over 16 arrested on criminal charge and have charge of those placed on probation; record of cases to be open to inspection of court and magistrates. Adding §131 to Pen. C. 35, 23 F 03
- c Ct. Appointment of probation officers authorized by judges of superior courts and Criminal Court of Common Pleas and required of district, police, city, borough and town court judges; duties powers and pay of probation officers; supervision by Connecticut Prison Association; quarterly reports of officers to association and annual reports of latter to governor; probation officers may be granted by court custody of all persons arrested for *misdemeanors* or crime not punishable by imprisonment in state prison.

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- l **Mass.** Amending R. L. ch.225 §129 as to rearrest of prisoner on probation. 452, 22 Je 03
- : **Mich.** Courts having jurisdiction in criminal cases may suspend sentence and place person convicted of first criminal offense on probation; county agents of Board of Corrections and Charities to serve as probation officers; to investigate each case coming before court, also to investigate for other county courts on demand; to keep uniform records; annual report to board. 91, 7 My 03
- f **Minn.** Amending '99 ch.154 §1, 3, 7, '01 ch.102 §2, 4 relating to probation officers; appointment on nomination of *Board of Control of State Institutions* [formerly Board of Corrections and Charities]; term 4 [formerly 2] years; salary \$1200 [formerly \$800] in counties of 100,000, \$600 [formerly \$300] in counties of 50,000 to 100,000; to investigate *every criminal case brought before court* [formerly only on direction of court]; report to *Board of Control*. 270, 18 Ap 03
- g **N. J.** City magistrates in case of person convicted of crime or of being disorderly may suspend judgment and place person in care of probation officer; powers and duties of latter same as in commitment of offenders by Court of General Quarter Sessions of Peace under act '00 ch.102. 221, 8 Ap 03
- h **N. Y.** Probation system: justices of *all* [formerly city] courts having original jurisdiction in criminal actions to appoint probation officers, who may be chosen from officers of Society for Prevention of Cruelty to Children, and of charitable institutions; system extended to *all* persons [formerly over 16]; suspension of sentence limited to 1 year; children on probation to report to officer. Amending Crim. P. §11a, 483, 487. 613, 15 My 03

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## Property

*See also* Family property, 490

- a **N. M.** Amending C. L. '97 §2052-53, 2685 subdiv.175, 3052, '01 ch.62 §10 and repealing C. L. '97 §3053-55 relative to property rights: actions to which code of civil procedure does not apply; conveyance of property of infant or married person; notice for taking depositions to perpetuate evidence. 5, 18 F 03

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## Land tenure

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## General. Titles

*See also* Special actions, 741

- **Col.** General laws concerning land titles. 41p. 139, 11 Ap 03
- **Cal.** Title by adverse possession not acquired to land of electric company. 85, 11 My 03

- c Ga. Title to tide lands to be vested in owner of adjacent lands, including exclusive right to shellfishing. p.108, 16 D 02

382 Eminent domain. Condemnation proceedings

*See also* Special subjects

- a Cal. Authorizing set-off of benefits where property is condemned. C. C. P. §1248. *Unconstitutional*. Unequal operation; compensation must be "in money."  
Beveridge v. Lewis, 70 P. 1083
- b Cal. Amending C. C. P. §1254, 1257 authorizing court to allow plaintiff to take possession of property taken by eminent domain, during pendency of appeal to Supreme Court. 98, 9 Mr 03
- c Id. Right of eminent domain may be exercised in behalf of electric railroads, reservoirs, storing logs and lines for transmission of electric currents. Amending R. S. §5210.  
p.203, 3 Mr 03
- d Mass. Governor with consent of Council to appoint committee of 3 or more persons to draft a bill whereby Legislature may authorize city, town or state commission to take land for public works and, after using as much as is needed, to lease or sell the rest; report to Legislature of 1904; \$1000. r.86, 5 Je 03
- e Mich. Permitting condemning of land for navigable waterway, with appurtenant water power which may be for private purposes. C. L. §6814 subdiv.6. *Unconstitutional*. Taking property for private purposes. Berrien Springs Water Power Co. v. Berrien Circuit Judge, 94 N. W. 379.
- f N. J. Supplementing and amending '00 ch.53 relative to compensation for property condemned or taken for public use.  
173, 8 Ap 03
- g N. M. Amending C. L. '97 §3850 relating to condemnation proceedings: service of notice. 31, 11 Mr 03
- h N. C. Authorizing companies to maintain and procure right of way for telegraph, telephone and electric light and power lines; proviso. Amending C. §2007-10, 2012. 562, 9 Mr 03
- i Or. Amending Ann. C. & S. §4750 giving to telegraph, telephone and electric light corporations right of eminent domain; proceedings as in condemnation for railroad purposes. p.111, 18 F 03
- j Pa. Viewers of property condemned for public works to report within time fixed by court; proviso. 35, 18 Mr 03
- k Tenn. Charitable corporations dependent on state aid, may, for purpose of water supply, acquire springs, streams, and riparian rights by purchase, donation or condemnation; procedure.  
289, 1 Ap 03
- l Va. Lands of state educational institutions not to be condemned except by consent of Legislature; lands of other institutions may be condemned for electric railways and public highways; proviso. Amending C. §1101, '02 ch.358. 102, 25 Mr 03

- a Wash.** Railroad, road, canal or bridge company may condemn state tide and shore lands for corporate purposes. Amending Ann. C. & S. '97 §4334. 180, 12 Mr 03

#### Escheat

- a Ind.** Amending Burns's Ann. S. '94 §3333 as to escheat of real estate of aliens. 97, 7 Mr 03
- b Minn.** State auditor, as commissioner of land office, may with consent of governor and attorney general deed escheated real estate to holders of incumbrances thereon. 192, 14 Ap 03
- c Or.** Amending Ann. C. & S. §5614-23 relative to the recovery of real, personal or mixed property escheating to state; disposition of estates; proceedings. p.127, 18 F 03

#### 34 Estates in lands

- a Mo.** Giving annuity table for calculation of present value of life estate, including tenancy by curtesy or in dower. p.167, 18 Mr 03
- b N. C.** Superior Court may in certain cases order sale of real estate which is subject to contingent remainder. 99, 11 F 03
- c Wis.** County judge on application may issue certificate of termination of life estates, and of survivorship of tenants by entirety; record. 362, 20 My 03

#### 35 Partition

- a Mo.** Court may order sheriff to execute supplemental deed in partition to correct defective conveyance. p.250, 23 Mr 03
- b Pa.** In cases of partition court may appoint trustee to satisfy liens of unknown parties; trustee to invest money. 106, 3 Ap 03
- c Wis.** Amending S. '98 §3105 relative to powers of court in actions for partition; provisos. 280, 15 My 03

#### 6 Property lines

- a Ari.** County board of supervisors on petition of majority of township freeholders to establish landmarks where missing; expenses to be defrayed by township; procedure. 52, 19 Mr 03
- b Cal.** Amending '91 ch.255 §111 relating to filing record and diagram of surveys of land. 227, 20 Mr 03
- c Fla.** Cutting of boundary corner trees a misdemeanor: exception. 127, 3 Je 03
- d Id.** Creating Board of Examining Surveyors consisting of state engineer and 2 engineers appointed biennially by governor; to issue licenses to land surveyors; qualifications of applicants; surveys not made by licensed surveyor to be illegal. p.81, 6 Mr 03
- e Minn.** Surveys to establish section and property lines to follow rules of United States General Land Office dated *Mar. 14, 1901* [formerly *Mar. 13, 1883* and *Dec. 9, 1890*]. Amending '95 ch.25 §5. 51, 13 Mr 03
- Mo.** County surveyor or deputy to report destruction of landmarks to county attorney or grand jury. Adding §10209a to R. S. '99. p.271, 21 Mr 03

**Neb.** State surveyor and draftsman to be appointed by state commissioner of public lands and buildings; to regulate surveying

by county surveyors and serve as arbitrator in case of conflicting surveys; procedure; appeal. 105, 8 Ap 03

**h N. H.** Establishment of boundary line between adjoining owners by written agreement; procedure. 48, 5 Mr 03

**i Or.** County Court may procure field notes of county surveys from any office in United States Land Department. Amending Ann. C. & S. §2682 p.33, 12 F 03

**j Vt.** In proceedings relative to laying out or vacating streets, public improvement, or titles to lands, surveyors and assistants may enter on lands. 160, 12 D 02

**387 Fences. Lawful fences**

**a Me.** Unlawful to maintain maliciously a fence exceeding 6 [formerly 8] feet in high in towns or cities [formerly exceeding 5000]. Amending R. S. '83 ch.17 §5. 153, 26 Mr 03

**b Mo.** Amending R. S. '99 §3304 relating to repair of division fences. p.198, 14 Mr 03

**c N. C.** Misdemeanor where crops are cultivated under common fence to remove same; provisos. 20, 22 Ja 03

**d N. D.** Fences: defining legal fence; partition fence; regulations. 100, 10 Mr 03

**e S. D.** Town supervisors or 2 county commissioners to be board of fence viewers: powers and duties; fees; appeal. 140, 18 F 03

**f Vt.** Amending S. '94 §3574 relative to damages resulting from failure to repair division fence. 65, 19 N 02

**388 Wire fences**

**a Mich.** Amending C. L. '97 §2415 defining a legal wire fence. 100, 14 My 03

**b Or.** Amending Ann. C. & S. §4345 as to construction of wire fences in counties east of Cascade mountains. p.15, 9 F 03

**390 Plats. Town sites**

**a Cal.** Adding to P. C. §3658a relating to official maps of additions to cities. 282, 25 Mr 03

**b Minn.** Providing for correction of inaccurate town plats. 402, 21 Ap 03

**c S. D.** Circuit Court may change name of any plat or map in manner provided for changing name of city, town or village. Amending C. C. P. §803. 183, 5 Mr 03

**d Wash.** Providing for altering, vacating or replatting of portion of city or town on petition of three fourths in number and area of owners; land embraced to constitute assessment district. 92, 14 Mr 03

**Conveyance**

*See also Mortgages, 404; Family property, 400*

**a Fla.** Conveyance of real estate with no words of limitation shall be construed to pass the fee simple or other whole estate or interest within power of grantor. 40, 3 Je 03

**b Kan.** Certified copy of United States patent to land to be conclusive proof of title. 343, 12 Mr 03

- c** N. Y. Amending '96 ch.547 §83 relating to transfer of right and interest of beneficiary of trust in real property. 88, 25 Mr 03
- d** N. Y. Conveyance of contingent interest in real property of infant not in being. Amending C. C. P. §2348. 154, 8 Ap 03
- e** N. D. Amending R. C. '99 §3594-95 relative to avoiding conveyances in certain cases for failure to record; defining conveyance. 152, 13 Mr 03
- f** Or. Amending Ann. C. & S. §5345 and adding subdiv.2 relative to execution and acknowledgment of deeds in foreign country. p.17, 10 F 03

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## Acknowledgments

- a** Ill. Amending R. S. '01 ch.30 §20 relative to acknowledgments of deeds taken within or without the state and outside United States *in any colony, territory or dependency* thereof, or foreign state etc. p.118, 28 Ap 03
- b** Me. Clerk of court of record having seal or notary public may acknowledge deeds. Amending R. S. '83 ch.73 §17. 89, 12 Mr 03
- c** Mich. Clerk or commissioner of court of record may take acknowledgment of deeds. Amending C. L. '97 §8962. 117, 14 My 03
- d** N. J. Attorneys of New Jersey may acknowledge conveyances when grantor or witness resides outside state. Amending '98 ch.232 §23. 217, 8 Ap 03
- e** N. J. Supplementing '98 ch.232 relative to taking and recording of acknowledgments. 225, 8 Ap 03
- f** N. Y. Acknowledgment of conveyance of real property in Great Britain and Ireland may be made before chief magistrate of city or town [formerly or notary public]. Amending real property law '96 ch.447 §250 subdiv.6. 98, 25 Mr 03
- g** N. Y. Amending real property law '96 ch.547 §249 subdiv.5 relating to acknowledgments and proofs of transfers of real property in other states. 419, 7 My 03
- h** N. D. Amending R. C. '99 §3576 subdiv.6 relative to acknowledgments by deputies *as deputies*. 1, 9 Mr 03
- i** N. D. Governor may appoint commissioners of deeds in other states. 57, 9 Mr 03
- j** Okl. Probate judge may take acknowledgments. Amending S. '03 §915. 8, 16 Mr 03
- k** Pa. Acknowledgments of deeds, mortgages and leases before notary public to be valid. Amending P. & L. Digest '04 p.4060. 177, 22 Ap 03
- l** Wash. Prescribing form of certificate of acknowledgment of instrument acknowledged by corporation. 132, 16 Mr 03

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## Contract for sale of land

- a** Cal. If person bound by contract to convey real estate becomes an incompetent, court may order guardian to convey such real estate; procedure. 152, 16 Mr 03

- b **N. D.** Owner of real estate may not declare forfeiture of tract for conveyance of such real estate without notice to v procedure. 204, 9

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**Record***See also County records, 2497*

- a **Ga.** Providing for commission to be composed of 2 se and 3 representatives, also 3 members of bar appointed by ernor, to investigate registration of land titles, special Torrens system, and report to Legislature of 1904. p.689, 5
- b **Ill.** Amending R. S. '01 ch.115 §25-27 relating to recorders of abstracts in certain counties: bond of [formerly \$20,000]; disposition of fees. p.291, 14
- c **Me.** Register of deed to record nature of instrument, con tion and location of property conveyed. Amending R. S. '8 §28. 2,
- d **Me.** Amending R. S. '83 ch.116 §21 relating to fees for re ing deeds. 123, 20
- e **Me.** Amending R. S. '83 ch.73 §8 relative to recording of of release: conveyances of right, title or interest of gra recorded to be effectual against prior unrecorded conveyanc 220, 28
- f **Minn.** Providing for recording of instruments relating to ing timber, stone, minerals etc. 32, 6
- g **Minn.** Wills devising lands to be recorded in office of register of deeds. 59, 14
- h **N. M.** County commissioners may provide for reindexi instruments of record affecting title to real property; form dex. 87, 17
- i **N. D.** In counties over 15,000 compensation of register of and clerks may not exceed \$7500 [formerly \$5000]. Amending '99 §2078. 154, 10
- j **S. D.** Providing for restoration of lost or destroyed r affecting titles in office of register of deeds. 193, 4
- k **Wis.** Certificate of probate of will and of final judgment in assigning lands to be recorded with county register of Amending S. '98 §2296. 76, 6
- l **Wis.** Amending S. '98 §764 as to fee of register of dee duplicate report of real estate sales. 105, 24
- 397 **Abstracts**
- a **Fla.** County commissioners on petition of majority of may have abstracts made of instruments affecting real esta of tax sales; fees of clerk.
- b **Kan.** Persons engaged in abstracting to give bond with ties or executed by surety company; liability; new bond every 5 Amending '89 ch.1 §1. 1, 10

398 **Torrens system**

- a **Ill.** Registration of titles under Torrens system: executors or administrators to apply in 6 months for registration of nonregistered estates; procedure. Amending '97 p.141 §7, 18.  
p.121, 18 My 03
- b **Minn.** Amending '01 ch.237 relating to land titles in counties over 75,000: corporation may apply for registration *in its own behalf*; tenure of office and compensation of examiners of titles and legal advisers of registrars; applications from nonresidents; conveyances; procedure.  
234, 17 Ap 03

400

**Personal property**

- a **N. Y.** Amending '97 ch.417 §3 relating to transfer of right and interest of beneficiary of trust in personal property. 87, 25 Mr 03

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**Liens and mortgages**

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**General**

- a **Fla.** Amending R. S. '92 §1726-29, 1741-44, 1746-49 relating to liens: creditors with notice; priority of liens for labor or material; joinder of suits.  
38, 4 Je 03
- b **Id.** Probate Court to have jurisdiction in actions for enforcement of liens. Amending R. S. §3841.  
p.94, 27 F 03
- c **Ill.** Amending R. S. '01 ch.95 §2, 4 relative to acknowledgment and recording of mortgages: acknowledgment; time of mortgage not to exceed 3 [formerly 2] years unless extended.  
p.253, 15 My 03
- d **Kan.** Where mortgagee is dead, mortgage may be released by executor or administrator of estate or by heirs at law or legatees. Amending G. S. '01 §4221.  
365, 10 Mr 03
- e **Minn.** Amending S. '94 §4196 relative to discharge of mortgage of record.  
342, 21 Ap 03
- f **Wash.** Designating certain liens from which no property shall be exempt.  
88, 14 Mr 03
- g **Wis.** Amending S. '98 §2252 as to discharge of mortgage of record in case mortgagee is corporation having ceased to exist.  
267, 14 My 03

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**Foreclosure. Redemption**

- a **Me.** Amending '99 ch.77 giving mortgagee lien for costs of foreclosure: attorney's fee of \$5 may be collected, *if actually paid*.  
117, 19 Mr 03
- b **Minn.** Amending S. '94 §6028 providing for foreclosure of mortgages within 15 years after maturity.  
15, 13 F 03
- c **Minn.** Amending S. '94 §6029 subdiv.3, §6033 subdiv.2 as to foreclosure of mortgages registered according to '91 ch.237.  
87, 25 Mr 03
- d **N. J.** Amending '02 ch.158 §58 as to proceedings in foreclosure: owners of unrecorded mortgage bound by decree. 199, 8 Ap 03



- e N. D. Amending R. C. '99 §4845 relative to foreclosure of  
on personal property. 120, 10
- f N. D. Agent or attorney foreclosing mortgage must have  
of attorney and file such power in office of register of deeds.  
153, 5

407 Real property mortgages and trust deeds

- a Pa. Mortgagor who has parted with title to mortgaged prop-  
erty leaving bond and mortgage outstanding may, under certain  
conditions, tender payment and require mortgagee to assign to him  
bond and mortgage; procedure. 258, 28

409 Discharge

- a S. C. Liens on real estate *excepting railroad mortgages* to  
after 20 years unless some payment is made. Amending  
§2449. 57, 2

410 Foreclosure. Redemption

- a Or. Abolishing deficiency judgments on foreclosure of  
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411 Record

- a S. C. Registry of mortgages or deeds of trust of railroads  
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412 Personal property

413 General and miscellaneous

- a Cal. Minor amendment to C. C. §2955 specifying what for  
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- b Del. Mortgage to be a lien on personal property for 5 [for-  
3] years. Amending R. C. p.633, '77 ch.477 §1. 458, 24
- c Ga. Amending C. '95 §2754 providing for foreclosure of  
mortgages on personal property when disposition is fraudulent  
and would lessen security. p.53, 1
- d Me. Consent given to mortgagor to sell or exchange mort-  
gaged personal property must be in writing signed by mortgagee  
130, 24
- e Me. Amending R. S. '83 ch. 91 §4 relating to notice of  
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- f N. D. Misdemeanor to remove or sell personal property  
subject to lien if value does not exceed \$100 [formerly \$500];  
if value exceeds such sum. Amending R. C. '99 §7668.  
132, 12
- g Vt. Amending S. '04 §2255 as to mortgages of personal prop-  
erty when given to trustee to secure bonds issued thereunder.  
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**Chattel mortgages**

- a **Col.** Relating to extension of chattel mortgages. 72, 9 Ap 03
- b **Kan.** Chattel mortgage not renewed within 2 years [formerly 1] from date of filing to be void. Amending G. S. '01 §4246. 364, 7 Mr 03
- c **Mon.** Amending C. C. §3866 relative to renewal of chattel mortgages. 55, 4 Mr 03
- d **N. D.** Chattel mortgage may be acknowledged before officer qualified to take acknowledgments. Amending R. C. '99 §4738. 133, 10 Mr 03
- e **S. C.** Chattel mortgage invalid unless property mortgaged is described in writing or typewriting; *mortgage or deed of trust of railroad or manufacturing company* excepted. Amending C. C. §3002. 62, 23 F 03
- f **Wis.** Penalty for failure to file affidavit of sale of property covered by chattel mortgage. 122, 24 Ap 03

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**Conditional sales**

- a **Wash.** Amending '93 ch.106 relating to conditional sales and leases of personal property. 6, 10 F 03

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**Mechanics liens; labor and materials**

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**General**

- a **Cal.** Exacting bond from building contractors for protection of material men. C. C. P. §1203. *Unconstitutional*. Discrimination on right to contract. *Shaugnessy v. American Surety Co.*, 71 P.701.
- b **Cal.** Repealing '01 ch.272 relating to mechanics liens. 19, 12 F 03
- c **Ill.** Revising law on mechanics liens. 15p. Repealing '95, p.225. p.230, 18 My 03
- d **Kan.** Amending G. S. '01 §3930 relating to mechanics liens: sale of property after 6 [formerly 3] months; proviso. 383, 11 Mr 03
- e **Nev.** Person desiring to secure lien on building to file claim within 50 [formerly 30] days; liens *against the same property* may be consolidated; court to allow costs, *including reasonable attorney fees*. Amending C. L. '00 §3885. 32, 6 Mr 03
- f **N. D.** Amending R. C. '99 §4795 as to foreclosure of mechanics liens on buildings sold apart from land. 122, 9 Mr 03
- g **O.** Amending R. S. '00 §3195 relative to mechanics liens. p.7, 17 O 02
- h **Pa.** Amending '01 ch.240 §15 as to indexing of contracts filed with prothonotary of Court of Common Pleas. 230, 24 Ap 03
- i **W. Va.** Amending C. ch.75 §3 relating to liens of mechanics and material men: affidavit to be filed with itemized account of labor, materials and machinery furnished; form of account. 42, 28 F 03
- j **Wis.** Amending S. '98 §3315 by adding §3315a making subcontractors and laborers liens valid notwithstanding stipulation in contract to contrary. 298, 15 My 03

420 Preference of wage lien

- a Col. On suspension of business, or in case of receivership, wages due employees to be preferred claim; statement to be presented within 20 days after seizure of property or within 60 days after placing in hands of receiver; proviso. 70, 10 Ap 03
- b Id. Claim for wages for threshing to be prior lien on crop to chattel and crop mortgages. Amending '99 p.153. p.93, 10 Mr 03

421 Special mechanics and other liens

- a Ark. Blacksmiths and wheelwrights entitled to lien on produce; proceedings. 147, 15 Ap 03
- b Cal. Amending C. C. P. §1183 as to liens for work on real property used for development or working of mine; defining agent of owner of mining claim. 76, 5 Mr 03
- c Col. Attorneys to have lien on property, claims etc. in their hands and on judgments in case of unpaid fees; procedure. Amending Sup. '96 §212. 71, 10 Ap 03
- d Col. Persons performing labor or furnishing material or supplies for construction or operation of oil, gas or other wells to have lien on property; general law of mechanics liens to apply. 141, 11 Ap 03
- e Ill. Owner of sire to have lien on get, for 1 year [formerly 6 months]. Amending '89 p.7. p.6, 14 My 03
- f Mich. Persons building sidewalks to have lien thereon for labor or materials furnished. Amending C. L. '97 §10710, 10738. 17, 26 Mr 03
- g Minn. Person furnishing labor, skill, materials or machinery for development of mine to have lien on interest of owner or lessee employing him. Amending '97 ch.350 §1. 338, 21 Ap 03
- h Or. Persons engaged as fishermen or as employees in fishing industry to have preferred lien on fishing appliances or on catch for services performed; procedure; circuit courts to enforce. p.121, 18 F 03
- i Or. Public contractors required to execute bond to make prompt payment to subcontractors, material men and laborers on public works; latter may bring action in name of state or local division. p.256, 24 F 03
- j Pa. Providing for recovery of debt due for labor or materials furnished for public improvement [formerly public park]. Amending '01 ch.240 §6. 187, 22 Ap 03
- k S. D. Amending P. C. '03 §2573 relating to miners liens. 182, 12 Mr 03
- l Wash. Giving lien on foreign vessels to laborers and material men. Ann. C. & S. '97 §5953-54. Unconstitutional. Interferes with admiralty jurisdiction of United States. The Roanoke, 189 U. S. 185
- m Wash. Person sustaining damage through neglect of owner of vessel to perform express contract to have lien on vessel. 149, 10 Mr 03

## 2 Landlord and tenant

- a **Cal.** Lease of town or city lots limited to 50 [formerly 20] years for adult and 10 years for minor or incompetent person. Amending C. C. §718. 210, 20 Mr 03
- b **Del.** Property exempt from attachment process to be exempt from distress for rent. Amending R. C. p.829, '73 ch.562 §1. 459, 31 Mr 03
- c **Del.** Misdemeanor to remove property under distress for rent without consent of landlord. Amending '01 ch.214. 461, 31 Mr 03
- d **Ga.** Amending '01 p.63 relating to employment of tenants and croppers. p.91, 7 Ag 03
- e **Me.** Agreement that building erected with consent of land owner remain personal property must be in writing; exception. Supplementing R. S. '83 ch.73. 150, 26 Mr 03
- f **Neb.** Leases for more than 1 year from date of making to be in writing. Amending C. S. '01 §3177. 44, 7 Mr 03
- g **N. J.** Landlord and tenant: removal of tenant at will or by sufferance by city district court or county justice of peace; procedure. Supplementing G. S. '95 p.1915. 13, 4 Mr 03
- h **N. J.** Landlord may serve summons for ejectment for recovery of demised premises, 1 year's [formerly 6 months'] rent being in arrear. Amending G. S. '95 p.1916 §7. 26, 13 Mr 03
- i **N. D.** Limiting period of lease of town or city lot to 99 [formerly 20] years. Amending R. C. '99 §3310. 151, 13 F 03
- j **N. D.** Misdemeanor for lessee to remove property without notifying landlord. 118, 12 Mr 03
- k **S. C.** If tenant leaves premises before expiration of demise, landlord may within 10 [formerly 5] days issue distress warrant for rent up to end of month. Amending C. C. § 2432. 56, 16 F 03
- l **Wis.** Amending S. '98 §3363 relative to service of summons in case of tenants holding over: procedure when no person residing on premises, or defendant can not be found in county. 300, 15 My 03
- m **Wis.** Lessee may surrender premises so injured by elements as to be unfit for occupancy; regulations. 306, 18 My 03

423

## Succession

- a **Nev.** On death of applicant for state lands, patents to be issued to heirs or devisees. 99, 16 Mr 03

424

### Descent

- a **Me.** Amending R. S. '83 ch.75 §1, '95 ch. 157, '97 ch.193, 196 relating to descent of real estate; *wild lands included*. 150, 26 Mr 03
- b **Minn.** Minor amendment to S. '94 §4477 relating to distribution of personal property of intestate. 334, 21 Ap 03
- c **Nev.** Amending '01 ch.34 §1 relating to distribution of estate of decedent husband or wife leaving no issue. 125, 23 Mr 03

- d N. H. Amending P. S. ch.196 §1 subdiv.2, 3 regulating descent of real estate. 74, 17 Mr 03
- e N. Y. Estate of intestate leaving no widow or children, to be distributed among brothers and sisters or their descendants. Amending C. C. P. §2732 subdiv.5. 367, 6 My 03
- f N. D. Amending R. C. '99 §3742 as to distribution of estate of intestate not exceeding \$5000 where decedent leaves no children, father or mother. 94, 10 Mr 03

425

**Devises**

- a Col. General law on wills. 68p. 181, 9 Ap 03
- b Del. Advancement made by intestate to be accounted part or whole of share of child or issue; proviso. 446, 24 Mr 03
- c Minn. Wills may be deposited with judge of probate during life of makers. 72, 19 Mr 03
- d N. Y. Benevolent, charitable or scientific corporation may receive bequest [formerly with annual income not exceeding \$10,000] provided person leaving wife, child or parent may not bequeath to such corporation more than *one half* [formerly one fourth] of estate. Amending '48 ch.319 §6. 623, 15 My 03

426

**Administration of estates***See also Inheritance taxes, 836*

- a Nev. Verbal amendment to '97 ch.106 §55 relating to estates of decedents. 115, 17 Mr 03

428

**Probate procedure**

429

**General and miscellaneous**

- a Ari. Amending R. S. '01 §3780 relative to publishing of notices of proceedings in probate courts. 50, 19 Mr 03
- b Cal. Trustees of institution of learning or art may commence special proceedings in Superior Court of county to determine validity of bequests and donations. 7, 10 F 03
- c Cal. Repealing C. P. §1718 relating to appointment of attorney in proceedings for settlement of estate of decedent. 206, 19 Mr 03
- d Mass. Probate Court to have concurrent jurisdiction with Supreme Judicial Court of cases under R. L. ch.148 §14-18 relating to certain arbitration and compromise matters. 222, 9 Ap 03
- e Mich. Persons entitled to shares of estate may bring action for recovery 60 days after decree of Probate Court. Amending C. L. '97 §9444. 177, 4 Je 03
- f Minn. Descent of real estate may be determined in Probate Court of county where *any part of* property is situated. Amending '01 ch.346 §1. 23, 3 Mr 03
- g Minn. Appeal from Probate Court may be taken by person who being entitled to be heard, *did* [formerly could] not appear. Amending S. '94 §4667. 27, 3 Mr 03
- h Minn. Amending '89 ch.46 §257 relating to appeals from Probate Court: proviso. 54, 14 Mr 03

## CIVIL LAW PROPERTY

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i R. I. State auditor and clerk of Providence Municipal Court constituted a commission to prepare blank forms to be used exclusively in probate courts; free distribution. Supplementing G. L. '96 ch.209. 1054, 11 D 02

j S. C. Devises of real estate may not be admitted as evidence in cases relating to wills till after probate. Amending C. C. §2508. 58, 6 F 03

k S. D. Regulating procedure in administration of estates; contest; appeal. 113, 11 Mr 03

10 Probate courts and officers

a Ark. Judge of Probate Court may call special session. 100, 24 Mr 03

b Me. Repealing R. S. '83 ch.63 §36 relating to fees allowed to judge in probate for taking disclosures. 96, 13 Mr 03

: Mich. Amending C. L. '97 §660 whereby circuit judge may act as judge of probate in case of absence or removal. 105, 14 My 03

l Mich. Amending C. L. '97 §2551-52 fixing salaries of judges of probate in several counties. 119, 14 My 03

Minn. Decision of Probate Court to be in writing; judge to decide or dispose of all cases within 90 days after submission unless prevented by sickness or casualty. 394, 21 Ap 03

Mo. Death of probate judge elect before qualifying to constitute vacancy in office. Amending R. S. '99 §1754. p.152, 23 Mr 03

: N. Y. Amending C. C. P. §2531 relating to appointment and compensation of stenographers in surrogates courts. 470, 7 My 03

1 Okl. Amending S. '03 §3002, 3005 fixing salary of probate judge in several counties according to population. 14 art.1, 16 Mr 03

Pa. Orphans Court may adjudge real estate to person who has been given right to take it under will at a fixed valuation and has been appointed executor; procedure. 10, 5 Mr 03

i R. I. Regulating fees of probate courts: local authorities may allow salary in lieu of fees for probate services. Amending '02 ch.1002. 1061, 12 D 02

k Vt. Register, judge of another district or assistant judge of County Court to have jurisdiction to act in case of disqualification or vacancy in office of judge of probate. 50, 14 N 02

l Va. Clerk of Circuit Court may appoint appraisers of estates of decedents, admit wills to probate, appoint and qualify executors, administrators, guardians, curators and committees; appeals. 255, 15 My 03

1 Probate of wills

a Nev. Wills may be admitted to probate on testimony of one witness or, if witness resides 25 miles distant, on ex parte affidavit of such witness. Amending '97 ch.106 §17. 6, 19 F 03

12 Contest of wills

a Ari. Actions contesting validity of wills to be commenced within 1 year [formerly 4]. Amending R. S. '01 §2962-63. 15, 12 Mr 03

- b Ill. Will may be contested within 1 year [formerly 2]. Amending R. S. '01 ch.148 §7. p.355, 15 My 03

433 Foreign wills.

- a N. Y. Foreign wills to be authenticated by judge of Court of Record [formerly Department of Foreign Affairs or Department of Justice]. Amending C. C. P. §2704. 472, 7 My 03
- b N. D. Amending R. C. '99 §6289 as to probate of wills allowed in other states or territories or in foreign countries. 208, 10 F 03
- c Tenn. Foreign wills of personalty may be admitted to record on certificate of United States minister or consul in such country. 497, 1 Ap 03

440

Administration

441

Administrators and executors

- a Ct. Foreign corporations authorized by charter to act as executor and named as such in will of resident may act as such, on appointing secretary of state as attorney on whom process may be served; Court of Probate may require bond. 131, 3 Je 03
- b Ill. Amending R. S. '01 ch.3 §23 relating to attestation of administrator's bond. p.1, 13 My 03
- c Me. Amending R. S. '83 ch.64 §38, 40, 51 relative to filing of appointment of executor or administrator. 187, 28 Mr 03
- d Me. Defining powers and duties of administrators de bonis non. 193, 28 Mr 03
- e Me. Foreign executors, administrators, guardians and trustees may be licensed, 6 months after death of testator or intestate, to receive or dispose of personal property on filing appointment in Probate Court of county wherein is personal estate of trust. 222, 28 Mr 03
- f Mo. Probate Court may refuse to grant letters of administration if estate is not greater than amount allowed by law as absolute property of *widower*, widow or children under 16. Amending R. S. '99 §2. p.51, 26 Mr 03
- g Mo. Amending R. S. '99 §46 relating to issue of letters of administration of goods unadministered after death, resignation, revocation of letters or *final discharge* of executor or administrator. p.52, 26 Mr 03
- h N. H. Judge of probate may on request allow executor or administrator to resign trust. 36, 25 F 03
- i N. J. On death of administrator directed to sell lands, Orphan Court may order sale by substituted administrator. Supplementing '98 ch.234. 92, 26 Mr 03
- j N. M. Removing disability of married women to serve as tutors or administrators. Amending '01 ch.81 §16. 35, 12 N 03
- k N. D. Creating office of county public administrator; elected for term of 4 years; to take charge of estates of infants, minors, insane persons etc.; compensation; penalty. 140, 12 N 03

## CIVIL LAW. PROPERTY

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- l **Or.** Married woman may act as administratrix or executrix. Amending Ann. C. & S. §1135. p.213, 24 F 03
- m **Or.** Executors or administrators to file undertaking equal to double the personal property, *plus double the probable value of rents and profits from real property of estate.* Amending Ann. C. & S. §1115. p.215, 24 F 03
- n **S. C.** Banking corporation or trust company appointed executor or administrator of estate to have same powers and be subject to same control by court as legally qualified person; capital stock to serve as security for bonds unless otherwise ordered by court. Amending C. C. by adding §1774a. 37, 20 F 03
- p **W. Va.** Nonresidents may not serve as personal representative unless decedent was nonresident, or named one as executor; affidavit to show names of distributees and relation to decedent. Amending C. ch.85 §4, 5. 13, 28 F 03
- q **W. Va.** Amending C. ch.85 §10 relative to appointment and duties of sheriff as administrator; annual report of expenditure to County Court; final report and settlement of estate within 2 months after end of term; penalty. 16, 17 F 03
- r **Wis.** Providing for appointment of special administrator in case of *contract for conveyance of land by intestate remaining unfulfilled.* Amending S. '98 §3813a. 85, 20 Ap 03
- s **Wy.** Amending and supplementing R. S. '99 §4665 as to bonds of executors and administrators. 33, 18 F 03

442

**Management and settlement**

- a **Ark.** Relating to payment of confederate pensions in certain cases. 190, 4 My 03
- b **Cal.** If claimant having claim approved by administrator of estate or court can not be found, amount of claim to be deposited in county treasury and after 5 years in state treasury for benefit of claimant or legal representative; escheat to state. Adding §1514 to C. C. P. 182, 18 Mr 03
- c **Fla.** Court may direct executor or administrator to sell real estate belonging to estate of decedent or may appoint commissioner for the purpose. 39, 4 Je 03
- d **Fla.** Amending R. S. '92 §2347, '97 ch.41 relating to disposition of proceeds of life insurance. 60, 20 My 03
- e **Ga.** Personal property mortgaged for purchase money not subject to law of year's support. p.76, 17 Ag 03
- f **Ill.** Claims against estate of testator or intestate to be barred on expiration of 1 year [formerly 2]. Amending R. S. '01 ch.3 §70. p.3, 15 My 03
- g **Ind.** Amending Burns's Ann. S. '94 §2576 relating to distribution of estate of decedent. 71, 3 Mr 03
- h **Ind.** Amending Burns's Ann. '01 §2474 fixing time limit for allowance of claims by executor or administrator of estate. 228, 10 Mr 03



N. Y. STATE LIBRARY SUMMARY OF LEGISLATION 1903

- i **Kan.** Amending G. S. '01 §2957 relating to publication of notice by executor or administrator wishing to make final settlement of estate. 237, 21 F
- j **Me.** Amending R. S. '83 ch.64 §53 relative to disputed claims against estates of deceased persons; abolishing right of claimant to same rights as executor. 132, 24 Mr
- k **Me.** In suits brought against administrator or executor, heirs or legatees of deceased may petition court for leave to defend suit; petitioner to furnish bonds to administrator if defense of action is granted by court. 173, 27 Mr
- l **Mass.** Amending R. L. ch.144 §1, 11, '02 ch.544 §14 and repealing '02 ch.544 §15-19 relating to settlement of estates of absentees. 241, 16 Ap
- m **Mass.** Probate Court may authorize public administrator to sell or manage real property belonging to estate of intestate. 260, 23 Ap
- n **Mich.** Amending C. L. '97 §9368, 9371 relating to claims against deceased person; notice of meeting of commissioners; time of payment. 129, 20 My
- p **Mich.** Amending C. L. '97 §9133, 9166 whereby judge of probate may grant license to executor or administrator to sell real estate to pay debts of deceased person; proviso. 204, 207, 16 Je
- q **N. J.** Orphans Court may order sale of lands to pay judgment against real estate of testator or intestate. Supplementing ch.234. 50, 17 Mr
- r **N. M.** Probate Court may require administrator having custody of personal property held by intestate for beneficial interest to cause some person to deliver such property to beneficial owner. 29, 11 Mr
- s **N. Y.** Amending C. C. P. §2818 relative to appointment by Surrogate's Court of successor to sole testamentary trustee withdrawing prior to probate of will. 370, 6 My
- t **N. Y.** Supreme Court may order sale of real property devised or conveyed to person for life with contingent remainder or remainder over to persons whose identity can not be ascertained; sale would be for interests of remaindermen; procedure. Adding §57-61 to real property law '96 ch.547 art.2. 432, 7 My
- u **N. Y.** Amending C. C. P. §2707-10 relating to proceedings of Surrogate's Court to discover property withheld from executor or administrator. 526, 9 My
- v **N. C.** Amending C. §449 regulating return of executions. 544, 6 Mr
- w **R. I.** Amending G. L. ch.214 §1 relating to return to probate office of inventory of testators' property. 1108, 17 Ap
- x **S. D.** Amending Probate C. '03 §151 relating to embezzlement of property of decedents: *Probate* [formerly County] Court given jurisdiction; proviso; procedure. 115, 11 Mr

## CIVIL LAW PROPERTY

442-

- y U. Court or clerk to appoint day and give notice for hearing of accounts of executor or administrator. Amending R. S. '98 §3942.  
47, 9 Mr 03
- z U. Court may set apart portion of estate not exceeding \$1500 for summary distribution to surviving wife or husband and minor children. Amending R. S. '98 §3847. 57, 12 Mr 03
- 21 U. Executor or administrator to give notice to creditors by publication for 4 successive weeks unless summary distribution of entire estate is made. Amending R. S. '98 §3848. 67, 12 Mr 03
- 22 Vt. Providing for appointment of trustees in cases where legacies or gifts in another state or country are left to a class of resident beneficiaries, not definitely ascertainable. 51, 14 N 02
- 23 Vt. Procedure when real estate of deceased person or part greater than share of any heir can not be divided without inconvenience to owners. Amending S. '94 §2575-76. 54, 12 N 02
- 24 Va. Applicant for public administration of decedent's estate to pay state tax. 82, 7 Mr 03
- 25 Wis. Executors and administrators including residuary legatee required to file inventory in probate wills. Amending S. '98 §3821.  
139, 28 Ap 03
- 26 Wis. Amending S. '98 §3940 relating to assignment of estates: order or judgment of county court to be discharge of executor; duplicate receipts of guardians; procedure. Adding §3940a.  
179, 6 My 03
- 27 Wis. Executor or administrator has right to possession of all property of deceased; homestead not subject to liabilities of deceased owner excepted. Amending S. '98 §3823. 265, 14 My 03

444

## Guardianship

445

## General and miscellaneous

- a Cal. Testamentary guardian need not give bond except by order of court. Amending C. C. P. §1758. 48, 27 F 03
- b Cal. Amending C. C. P. §1747 relating to appointment of guardians of minors. 183, 18 Mr 03
- c Del. Guardians' accounts: to be filed and adjusted by clerk of Orphans Court [formerly by register of wills]; changes in procedure; exceptions to be determined by Superior Court of County. Repealing R. C. ch.89 §53, '99 ch.292 and all parts of acts inconsistent therewith. 439, 31 Mr; 440, 7 Ap; 441, 31 Mr; 447, 7 Ap; 448, 16 Ap; 451, 16 Ap; 460, 31 Mr 03
- d Del. Guardianship of minors to continue till 21 [formerly or marriage in case of female]; settlement with wards of court. Amending R. C. ch.96 §7, 20. 451, 16 Ap 03
- e Kan. Amending G. S. '01 §3303 relating to removal of estate from Kansas when guardian and ward reside in another state; procedure. 328, 11 Mr 03

- f **Me.** Court in which action is pending or to which writ is return-  
able must approve settlement of suit brought in behalf of infant  
and may require guardian ad litem or next friend to give bonds.  
90, 12 Mr 03
- g **Minn.** In case of delay in appointment of guardian for minor,  
Probate Court may appoint special guardian. Adding §167A-B to  
Probate C. '89 ch.46. 58, 14 Mr 03
- h **N. H.** Providing for appointment of guardian of minor, if  
parents are unfit; Probate Court on petition of certain public  
officers may appoint same; incorporated orphans home or secre-  
tary of Board of Charities may serve as guardian; powers and  
duties; liability of parents for support. 116, 2 Ap 03
- i **N. J.** Orphans Court on application of guardian of estate of  
minor may fix annual amount for minor's support. Supplementing  
G. S. '95 p.1615. 69, 25 Mr 03
- j **N. J.** Chancellor on petition from guardian may direct rebuild-  
ing of property of minors, insane etc. destroyed by fire.  
152, 8 Ap 03
- k **N. J.** Judge of Orphans Court may certify to commissioner of  
pensions that trust of guardian of ward who is pensioner of United  
States is properly executed. Supplementing '98 ch.234.  
183, 8 Ap 03
- l **N. Y.** Accounts of general guardian to be settled before same  
court or officers and in the same manner as accounts of testa-  
mentary guardian. Amending domestic relations law '96 ch.272 §53.  
369, 6 My 03
- m **N. Y.** Surrogate to have power to settle accounts of guardians  
in socage and compel delivery of property belonging to ward.  
Adding subdiv.8 to C. C. P. §2472. 407, 6 My 03
- n **Vt.** Amending S. '94 §2753 relative to appointment of guardian;  
notice of hearing. 52, 21 N 02
- p **Vt.** Guardians may take and convey property of ward outside  
state; to account to Probate Court. 53, 4 N 0
- q **Wash.** In actions for or against minor, imbecile or insane per-  
son, ward to be bound by compromise or settlement made by  
guardian. 100, 14 Mr 0
- r **Wash.** Relating to service of notice of application for appoint-  
ment of guardian of minor under 14 or of insane or mentally incor-  
petent person. 130, 16 Mr 0
- s **Wis.** Foreign guardian may be licensed to act for ward with-  
state, or special guardian appointed for purpose; procedure  
Adding §3510b to S. '08. 125, 24 Ap 0
- t **Wis.** Court may in its discretion appoint separate guardians of  
person and estate of minor. Amending S. '98 §3964. 257, 13 My 0

Insane and incompetent

- a **Fla.** Procedure in restoration to judicial sanity of persons  
previously adjudged insane. 160, 3 Je 0

## CIVIL LAW PROPERTY

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- b Ill.** Amending R. S. '01 ch.86 §1, 2 relating to appointment of conservator over idiot, insane, distracted or *feeble-minded* person: Probate Court to have jurisdiction where established; procedure. p.247, 16 My 03
- c Me.** Amending R. S. '83 ch.67 §5, 6, ch.143 §27 authorizing judge of probate to appoint guardians for insane persons sent to hospital. 91, 12 Mr 03
- d Mass.** Amending R. L. ch.145 §40 as to appointment or discharge of conservator of property of married person. 96, 16 F 03
- e Minn.** Amending '89 ch.46 §143 as to service of notice on inmates of state institutions prior to hearing on petition for appointment of guardian. 56, 14 Mr 03
- f Mo.** Probate Court may inquire into insanity of person *who owns property*. Amending R. S. '99 §3650. p.200, 25 Mr 03
- g N. H.** Term spendthrift to include persons unable to manage own affairs with prudence. Amending P. S. ch.179 §3. 12, 17 F 03
- h N. J.** Chancellor on application of guardian may order purchase of land and erection of dwelling for lunatic. 75, 26 Mr 03
- i N. C.** Insane persons *or inebriates* on recovery to regain control of property. Amending '01 ch.191. 80, 9 F 03
- j Wis.** Election may be made for insane or mentally incompetent widow by appointed guardian within 2 years from filing of petition for administrator; procedure. Adding §2172a to S. '98. 264, 14 My 03

447

**Sale, mortgage and lease of property**

- a Ct.** Guardian may lease real estate of ward on approval of District Probate Court. 15, 25 Mr 03
- b Fla.** Court may direct guardian to sell real estate belonging to estate of minor, or may appoint commissioner for the purpose. 39, 4 Je 03
- c Kan.** Amending '72 ch.143 §1 relating to conveyance *or mortgaging* of real estate held by insane person or habitual drunkard jointly with husband or wife. 327, 11 Mr 03
- d Mich.** Amending C. L. '97 §9133, 9166 whereby judge of probate may grant license to guardian to sell real estate to pay debts of minor; proviso. 204, 207, 16 Je 03
- e Nev.** Amending '99 ch.55 §30 relating to sale of property of ward by order of court. 119, 20 Mr 03
- f N. J.** Amending G. S. '95 p.2994 §7 relating to sale of lands limited over to infants: payment of costs of sale. 72, 26 Mr 03
- g N. J.** Chancellor on petition may direct guardian to mortgage lands of minors, lunatics, insane and feeble-minded persons to meet deficiency for support. 120, 7 Ap 03
- h Pa.** Court of Common Pleas may order private sale of real estate of lunatic if more advantageous than public sale. 255, 27 Ap 03

## N. Y. STATE LIBRARY SUMMARY OF LEGISLATION 1903

- i U. Court may authorize administrator of estate or guardian ward to lease mining claim giving lessee option of purchase.

15, 20 F

448

## Trusts (general)

See also Administrators and executors, 441; Guardianship, 444

- a Cal. Corporations administering trusts to keep inviolate communications confidentially made. Adding §22 to '91 ch.264. 208, 20 M
- b Ct. Probate Court may authorize executors, *guardians, conservators*, administrators and trustees in insolvency to compromise claims. Amending G. S. '02 §347. 203, 22 Jc
- c Ga. Fiduciaries required to give bonds may charge as costs administration amount paid for suretyship, not to exceed fixed cent of bond. p.75, 17 Ag
- d Ill. Fiduciaries failing to account for or pay over trust fund guilty of larceny. Supplementing R. S. '01 ch.38 §81. p.156, 13 My
- e Me. Trustee of trust estate may be required to invest trust fund *as will best effect objects of trust* [formerly according to will]. Amending R. S. '83 ch.68 §11. 94, 13 Mr
- f Mich. Bonds of guardians, executors and administrators to renewed every 5 years; procedure. 172, 2 Jc
- g Minn. Amending S. '94 §4284 subdiv.6 relating to purposes which express trusts may be created. 132, 4 Af
- h Minn. Discharge of executors, administrators and guardian funds of absent party to be deposited with county treasurer and become county funds after 21 years. 195, 14 Af
- i Mon. Fiduciary may include cost of surety bond, not exceed 1/2 of bond, among expenses of executing trust. 78, 5 Mr
- j N. H. Amending P. S. ch.198 §10 relating to sale and investment of trust property: judge of probate may authorize transfer by trustee on execution of trust. 130, 2 Ap
- k N. J. Fiduciaries may invest in loans or securities in which savings banks may invest. Supplementing '99 ch.103. 146, 8 Af
- l N. C. *County commissioners* [formerly County Court] to maintain alphabetic cross index of appointments of fiduciaries. 51, 29 Ja
- m N. D. On removal of executor, administrator or guardian, court shall appoint successor. Amending R. C. '99 §6365. 95, 4 F
- n Tenn. County courts may appoint and qualify trustee in case of death, resignation or removal. 309, 10 Af
- p W. Va. Record of fiduciaries kept by clerk of Circuit Court show names of distributees of estate, and relation to decedent. Amending C. ch.87 §1. 12, 21 F
- q W. Va. Amending C. ch.87 §25 relative to final report of fiduciary; penalty. 14, 28 F
- r Wis. Designating investment of trust funds that may be made by fiduciaries. 317, 20 Mj

## CIVIL LAW CONTRACTS

449

449 **Insolvency. Assignments***See also* Insolvency (corporations), 523

- a **Col.** If suit is brought to set aside transfer of property on grounds of intention to defraud creditors, transferee may give undertaking with sureties for twice the debt; procedure. Adding §676-80½ to C. C. P. 91, 9 Mr 03
- b **Fla.** Creditors may file bills before claims have been reduced to judgment if suit has been instituted. 32, 15 My 03
- c **N. H.** Administrator may apply for decree of insolvency *within 1 year*. Amending P. S. ch.192 §1. 15, 19 F 03
- d **Tenn.** Regulating assignment of unearned wages and salaries; action may not be brought against employer unless written assent given to assignment. 21, 11 F; 453, 15 Ap 03

450 **Receivers**

- a **N. Y.** Notice of application for appointment of receiver to be given to adverse party; *action for foreclosure of mortgage excepted*. Amending C. C. P. §714. 217, 24 Ap 03

451 **Homesteads. Exemption from execution**

- a **Cal.** Wages of seamen, fishermen and sealers not exceeding \$300 [formerly \$100] to be exempt from execution. Amending C. C. P. §690. 103, 10 Mr 03
- b **Mo.** Head of family may hold exempt from execution real or personal property, debts or wages not exceeding \$300, *except 10% of debt or wages*. Amending R. S. '99 §3162. p.195, 6 Ap 03
- c **Or.** Amending Ann. C. & S. §228 exempting earnings of judgment debtors to \$75. p.26, 12 F 03
- d **S. D.** Exemption not to be allowed against *attachment and execution* for purchase money. Amending C. C. P. §362. 139, 5 Mr 03
- e **Wy.** Amending R. S. '99 §3951 withdrawing provision whereby property not to exceed \$50 of judgment debtor was exempt. 31, 18 F 03

452 **Contracts and other obligations**453 **General and miscellaneous**

- a **Del.** No liability for newspaper or other publication received through mail unless expressly ordered. 454, 9 Mr 03
- b **Me.** Signature to attested instrument, except a will, may be proved, as if not attested. 118, 19 Mr 03
- c **Vt.** Contracts falling due on Saturday to be due on next following business day; except instruments payable on demand may be presented before noon, Saturday; notice of dishonor. 49, 15 N 02

454 **Debtors**

- a **N. J.** Amending '01 ch.74 providing for relief of creditors against absent, *fraudulent* and absconding debtors. 46, 13 Mr 03

455 **Sale of merchandise in bulk**

- a **Cal.** Amending C. C. § 1241 relating to fraudulent transfer of property; public record to be made of intended sale of stock of merchandise in bulk. 100. 10 Mr 03
- b **Cal.** Inventory to be made of stock of merchandise sold in bulk and 5 days notice of sale to seller's creditors; procedure penalties. 102. 26 F 03
- c **Cal.** Retail transfer of transfer stock at one transaction must record notice and purchase of sale in town clerk's office 7 days prior transfer (formerly record had to be filed in one day thereafter). 102. 26 F 03
- d **Del.** Regulating sale of stock of goods in bulk; detailed inventory to be made 5 days before sale; purchaser to notify seller's creditors; exceptions; penalties. 102. 26 F 03
- e **Cal.** Regulating sale of merchandise in bulk; seller's statement; notification of creditors; fraudulent sales; penalties. p. 11. 12 F 03
- f **Id.** Purchaser of stock of goods in bulk to notify creditors of seller at least 5 days before paying any part of purchase price. 102. 26 F 03
- g **Ind.** Sale of merchandise in bulk; merchant intending to discontinue business, to notify creditors of proposed sale and furnish inventory of value of goods. Repealing of ch. 20. 103. 9 Mr 03
- h **Mass.** Sale in bulk of part or whole of stock of merchandise to be void as regards creditors of seller unless they are notified by purchaser after inventory of goods at least 5 days before taking possession. 103. 8 Je 03
- i **Okla.** Regulating sale of merchandise in bulk; inventory; notification of creditors; exceptions; penalty. 103. 16 Mr 03
- j **Va.** Regulating sale of merchandise in bulk; seller to make inventory of stock and statement of creditors to purchaser; procedure penalties. 104. 20 My 03

461 **Money. Interest. Usury**

463 **Interest. Usury**

- a **N. C.** Amending legal rate of interest at 6% not to prevent corporations from paying commission on sale of bonds or selling such bonds below par. Amending 105 ch. 10. 104. 13 F 03
- b **Pa.** Any sum agreed to in writing may be collected as interest on advances of not less than \$5000 repayable on demand on negotiable instruments as collateral. 104. 13 F 03
- c **Tenn.** Sums brought for usury limited to 2 years from date of payment of debt. 104. 15 Ap 03

471 **Negotiable instruments**

- a **Id.** Misstatement of person to draw checks on bank in which he has insufficient funds or credit. p. 41. 14 F 03
- b **Id.** Establishing negotiable instruments law, uniform with laws of other states. 104. 15 Ap 03

## CIVIL LAW TORTS

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**Minn.** Negotiable instruments *not* entitled to days of grace; negotiable instruments maturing on Sunday or legal holiday to be due on next *succeeding* [formerly *preceding*] business day. Amending S. '94 §2230, 2237. 261, 18 Ap 03

**Mon.** Establishing negotiable instruments law, uniform with laws of other states. 16p. 121, 7 Mr 03

**S. C.** Commercial paper providing for cost of collection not to be deemed nonnegotiable. Amending C. C. §1665. 36, 2 Mr 03

**Wis.** Promissory notes given for lightning rod, patent, patent right or *stallion* to have consideration written on face. Amending ch.268, §1-3. 438, 22 My 03

**Days of grace**

**Ga.** Abolishing days of grace. p.84, 7 Ag 03

**Partnership**

**Ind.** Amending Burns's Ann. S. '94 §8110 relating to special and general partners in limited partnerships. 172, 9 Mr 03

**Mich.** Amending '77 ch.191 §1, 4 relating to partnership associations: ratio of capital stock subscribed to authorized capital stock; transfer of interests; franchise fees; annual financial statement to secretary of state; reorganization. Adding §12-16. 244, 18 Je 03

**Minn.** Death of special partner not to dissolve limited partnership if certificate of formation provides that business shall be carried on by general partners after death of special partners. Amending S. '94 §2341. 256, 18 Ap 03

**Tenn.** Surviving partner on death of any member to file inventory of partnership property; penalty. 163, 18 Mr 03

**Va.** Amending C. §2864-65, 2871, 2875, '88 ch.268 relating to limited partnerships: liability of special partners; firm name; death of special partner not to dissolve firm unless so entered in statement. 69, 21 F 03

**Suretyship**

*See also* Surety companies, 1793

**Mich.** Amending '99 ch.199 §1 regulating liability of sureties on appeal from justice to Circuit Court in suits brought against 2 or more defendants. 137, 21 My 03

**R. I.** Revising G. L. '96 ch.186 relative to corporate suretyship on bonds required by law. 1053, 11 D 02

**Torts**

**N. Y.** Misdemeanor to use name or picture of person for advertising purposes without written consent; jury may award exemplary damages. 132, 6 Ap 03

**Tenn.** In actions by riparian owners for damages caused by fastening boats to standing trees, etc., demand and refusal to pay must be proved; procedure. 116, 14 Mr 03



- c Wis. Fences or structures erected maliciously or unnecessarily high to be deemed private nuisance; owner or occupant may have action of tort to abate same. 81, 20 Ap 03

470 Forcible entry and detainer

- a Tenn. Justices of peace to give judgment for rent, interest and damages in cases of forcible entry and detainer. 42, 11 F 03

471 Personal injury

*See also 2446*

- a Fla. Fixing penalties for personal injury, not fatal, resulting from negligence. 107, '03
- b Ill. Amending R. S. '01 ch.70 §2 relating to deaths caused by neglect or default: damages not to exceed \$10,000 [formerly \$5000]; action to be brought within 1 year [formerly 2]; proviso. p.217, 13 My 03
- c N. M. Procedure in personal injury cases: injured person to file affidavit within 90 days after injury and at least 30 days before bringing suit; suit to be commenced within 1 year after injury. 33, 11 Mr 03
- d R. I. On request of plaintiff, defendant claiming injury to person, must permit attorney of record of plaintiff to make examination with or without expert. Amending G. L. ch.244 §18. 1109, 17 Ap 03

- e S. C. Actions for personal injuries causing death may be brought by executor or administrator within 6 [formerly 2] years after death. Amending C. C. §2853. 60, 6 F 03
- f Tenn. Suit for personal injury or death not abated by death of beneficiary. 317, 2 Ap 03

472 Libel. Slander

- a Fla. Fixing penalties for publication of false and libelous statements. 37, 4 Je 03
- b Me. Manner of mitigating damages in actions for libel and slander. 181, 27 Mr 03
- c Pa. Owner, manager or editor of newspaper to be liable for compensatory damages for injuries to business and reputation and damages for bodily and mental suffering for publications resulting from negligence in ascertaining facts; jury may award punitive damages for libelous publications enforced by cartoons, pictures, headlines or display type; name of owner and managing editor to be published in every issue. 265, 12 My 03

473 Trespass

*See also Trespass (crime), 316; Trespass (animals), 1870; Trespass (hunters), 1008*

- a Ct. Amending G. S. '02 §1214-15 relating to trespass on private lands. 199, 22 Je 03
- b Me. Amending '93 ch.284 §1 relative to entering on land outside of thickly settled portion of town for purpose of hauling supplies, lumber etc. 131, 24 Mr 03

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## Family

476

## Marriage

*See also Crimes against public morals and the family, 264*

### 477 Parties. Age.

- a **Fla.** Amending R. S. '92 §2606 relating to intermarriage of white and colored persons: *either or both parties* to be punished.

35, 30 My 03

- b **Kan.** Regulating marriage of epileptics, weak minded persons and children born after parents have become insane. 220, 11 Mr 03

- c **Mich.** Amending C. L. '97 §8590-91 prohibiting marriage of first cousins. 257, 18 Je 03

### 478 License

- a **Del.** Amending R. C. ch.9 §16 repealing provision requiring clerk or justice granting marriage license to take bond. 281, 7 Ap 03

- b **Nev.** Amending C. L. '00 §490 relating to recording of marriage certificates. 45, 9 Mr 03

- c **N. H.** Nonresident to give 5 days' notice of intended marriage; to be filed with town clerk prior to issue of certificate. Supplementing P. S. ch.174 §5, 6. 93, 27 Mr 03

- d **Or.** Amending Ann. C. & S. §5222-23, 5229 relating to marriage licenses: person solemnizing marriage to file certificate *with county clerk issuing license* and with clerk of county where marriage took place; fees. p.99, 17 F 03

- e **Pa.** Marriage license to state age of contracting parties, parents' consent where required and previous marriage, if any, and how dissolved. Amending P. & L. Digest '94, p.2881-82. 75, 27 Mr 03

- f **Va.** Amending C. §2229, '00 ch.257 fixing penalty for failure of minister or person performing ceremony to return marriage license and certificates to county clerk. 291, 20 My 03

- g **Wis.** County judge may charge fee for authorizing marriage without a license. Amending '99 ch.301 §7. 305, 18 My 03

### 479 Ceremony. Solemnization

- a **Cal.** Judge of Police Court or city recorder may solemnize marriage. Amending C. C. §70. 217, 20 Mr 03

- b **Mich.** Judge of probate in county or judge of municipal court may solemnize marriages. Amending C. L. '97 §8594. 139, 21 My 03

- c **Wis.** Police justice or municipal judge may solemnize marriage. Amending S. '98 §2331. 32, 27 Mr 03

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## Divorce

- a **Ind.** Circuit and Superior Courts may grant separation for certain designated causes; alimony; disposition of property.

48, 28 F 03

- b **Me.** Amending R. S. '83 ch.60 §2, '99 ch.79 allowing divorces in state if libellee resides therein. 29, 4 Mr 03

### 481 Alimony. Division of property

- a **Me.** Amending R. S. '83 ch.60 §6 relating to provision for husband in case of divorce for fault of wife. 209, 28 Mr 03

- b N. Y. Permitting court to modify judgments of alimony heretofore or hereafter rendered. 742, 2My 00. *Unconstitutional* as to judgments rendered heretofore. Deprives of property without due process of law. *Livingston v. Livingston*, 66 N. E. 123.

**485 Grounds**

- a Ari. District Court may grant divorces for habitual intemperance, excesses or cruelty, or for failure of husband for 1 year [formerly 2] to provide necessities of life. Amending R. S. '01 §3113. 33, 18 Mr 03
- b Id. Divorce may be granted if either party has been confined for 6 years in insane asylum in Idaho or elsewhere and has resided in Idaho for 1 year [formerly 6 years]. Amending '99 p.232. p.332, 27 F 03
- c Pa. Designating crimes for which divorce may be granted. Amending '91 ch.130. 23, 9 Mr 03
- d U. Divorce not to be granted for permanent insanity unless defendant has been adjudged insane 5 years prior to commencement of action and court is satisfied that defendant is incurable; procedure. Amending R. S. '98 §1208. 43, 9 Mr 03

**486 Remarriage**

- a Cal. Minor amendment to C. C. §61 as to length of time before remarriage of divorced person. 158, 16 Mr 03
- b Id. Marriage contracted within six months after divorce to be void. Amending R. S. §2426. p. 10, 14 F 03

**487 Residence of plaintiff**

- a Pa. Court of Common Pleas may grant divorce to citizens residing in state 1 year for cause occurring in foreign state or country. Supplementing P. & L. Digest '94, p.1644. 257, 28 Ap 03

**488 Soliciting divorce business**

- a Mon. Forbidding advertising to procure divorce; penalty. 73, 5 Mr 03

**489 Trials. Procedure**

- a Cal. In actions for divorce, if court determines that divorce ought to be granted interlocutory judgment to be entered; appeal may be taken within 6 months; final judgment may be entered after 1 year except in case of appeal. Amending C. C. by adding §131-32. 67, 2 Mr 03
- b Col. Providing for service by publication in divorce cases where defendant is without state or in hiding. Amending '93 ch.80. 102, 9 Ap 03
- c Kan. In actions for divorce or alimony parties may testify. Amending G. S. '01 §5147. 388, 21 F; 387, 11 Mr 03
- d N. J. Minor amendment to '02 ch.157 §13 relating to procedure in bills for divorce. 84, 26 Mr 03
- e N. Y. Interlocutory judgment of court granting divorce may provide for alimony till entry of final judgment and may include judgment for costs. Amending C. C. P. §1774. 488, 9 My 03

**Tenn.** Suits for absolute divorce may be prosecuted in forma pauperis. Amending C. §4928. 197, 26 Mr 03

**Va.** Court may grant decree of absolute divorce on expiration of 3 years after decree of limited divorce; in case of desertion decree may be granted 3 years from date of desertion. Amending C. §2266, '96 ch.76. 95, 16 Mr; 297, 20 My 03

**Va.** Process or notice in divorce proceedings to be served only by authorized officers; all depositions to be before commissioner in chancery. Amending C. §2260. 107, 28 Mr 03

### Family property

**Col.** Conveyance of household goods or of homestead must be executed by husband and wife jointly. 75, 11 Ap 03

**Col.** Amending Ann. S. '91 §2133, 2137 as to marginal entry and conveyance of homestead by husband and wife. 114, 11 Ap 03

**Ct.** Joint liability of husband and wife for medical service and house rental. Amending G. S. '02 §4546. 9, 18 Mr 03

**Fla.** Acceptance by widow of provisions of will in her favor not to affect her right to dower or to child's part in property not disposed by will. 23, 13 My 03

**Fla.** Deed to real estate made by husband to wife shall convey legal title: provisos. 42, '03

**Ind.** After making affidavit that purpose in securing loan on promissory note was for her personal advantage, married woman may not claim that loan was made for benefit of other person. 214, 9 Mr 03

**Mo.** Prohibiting husband from alienating homestead: p.185, 9 Ap 95. *Unconstitutional* as to then existing homesteads. Retrospective. *Gladney v. Sydnor*, 72 S. W. 554.

### Dower. Curtesy

**Me.** Extending time in which widow may elect to accept legacy or claim right. Amending '95 ch.157 §5. 75, 11 Mr 03

**Me.** Amending '97 ch.221 §1 relating to waiving provisions of will made by testator or *testatrix* for widow or *widower*, and to wills wherein no provision is made for widow or *widower*. 160, 26 Mr 03

**N. Y.** Amending C. C. P. §2351 relating to release of inchoate right of dower of lunatic, idiot or habitual drunkard. 368, 6 My 03

### Insurance policies for married women

**Wis.** Married woman may assign interest in life insurance policy. 15, 16 Mr 03

### Property rights of married women

**Del.** Deed of married woman [formerly, to which her husband is a party] executed during coverture to be valid; conveyance not to divert husband's estate by curtesy. Amending R. C. ch.83 §4. 443, 16 Ap 03

**Id.** Amending R. S. §3495 giving to married woman control of separate property, with power to sue. p.345, 9 Mr 03

- c **Me.** Repealing R. S. '83 ch.61 §7-10 relating to rights of married women. 72, 11
- d **N. J.** Right of married women to convey land, to include to mortgage. Supplementing '90 ch.27. 224, 8
- e **Vt.** Exempting rents, issues and products of real estate of married woman from attachment or execution for sole debt of husband. 45, 2

#### 495 Rights when wife or husband is insane

- a **Del.** On petition of wife of insane husband, chancellor may appoint trustee to join with wife in deed; deed or mortgage so executed bars tenancy by curtesy. 444, 7
- b **U.** Relating to relinquishment of inchoate interest of married wife in husband's real estate: procedure. 105, 12

#### 496 Support of family

- a **Col.** Misdemeanor to fail to provide for sick wife or minor children; suspension of sentence on recognizance; warrant issued by justice of peace; appeal; imprisonment 30 to 90 days. 142, 11
- b **Col.** Misdemeanor to fail to provide for parents; suspension of sentence on recognizance; appeal; imprisonment 30 to 90 days. 148, 11
- c **Ill.** Misdemeanor to desert or neglect to provide for wife and minor children; wife a competent witness; fine \$100 to \$500 or imprisonment 1 to 12 months or both; court at discretion may require defendant to make weekly payment and release on probation for one year taking recognizance; forfeiture. p.155, 13
- d **Mich.** Felony to abandon wife and minor children and to fail to provide for support; suspension of sentence; imprisonment. 39, 16
- e **Minn.** Abandonment and neglect of wife or children under 16 by husband; justice of peace or judge of Municipal Court to discharge defendant on promise and bond to provide for wife and children; defendant to be bound over for trial if he refuses to promise; penalty for refusal to obey order of court after trial. Repealing '01 ch.3. 222, 14
- f **Neb.** Penalty for abandoning wife or legitimate or illegitimate children under 16; court may suspend sentence on bond of defendant to provide for wife or children. 137, 8
- g **N. J.** Misdemeanor to abandon wife and minor children and to fail to provide for support. Supplementing '98 ch.235. 216, 8
- h **N. Y.** *Criminal Court* or magistrate may compel father of illegitimate child committed to institution to contribute toward support. *American Criminal Code* §921. 13, 3
- i **N. Y.** Magistrate may suspend execution of judgment requiring defendant to pay fixed weekly sum for support of family if defendant can not pay such sum. Amending *Crim. P.* §483. 274, 24

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**N. Y.** Penalty for abandoning child under 14 [formerly 6] imprisonment for not over 7 years. Amending Pen. C. §287.

376, 6 My 03

**Pa.** Misdemeanor to desert or neglect to support wife or children; penalty; court may suspend sentence; proviso. 32, 13 Mr 03

**Vt.** Penalty for neglect to support wife or minor children fine of not more than \$20 or 6 months imprisonment or both; married woman a competent witness in prosecution. Amending S. '94 §5157.

123, 11 N 02

**Children; adoption, custody, legitimation**

**Cal.** Amending C. C. §224 as to adoption of abandoned children without consent of parents. 102, 10 Mr 03

**Ind.** In divorce cases, judges of Circuit and Superior courts may place children under 16 in orphans home of county where suit originated. 24, 21 F 03

**Kan.** Amending G. S. '01 §4187 relating to adoption of minors: consent of parents; adoption of children of decedents.

361, 11 Mr 03

**N. Y.** Child of marriage annulled because one or both parties had not reached age of consent to be deemed legitimate child of both parents. Amending C. C. P. §1749. 225, 24 Ap 03

**N. D.** Child under 4 who has been in care of persons other than parents for 2 years may be adopted by such persons on consent of mother or, if parents have refused to provide, without consent. Amending R. C. '99 §2800. 124, 10 Mr 03

**S. D.** Amending C. C. '03 §134 relating to adoption of children; exemptions. 87, 25 F 03

**U.** In case of separation of husband and wife, children over 12 may choose parent; mother to have charge of other children unless court on grounds of immorality or incompetency orders otherwise.

82, 12 Mr 03

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**Corporations**

*See also* Corporation taxes, 840; Banking, 1677; Insurance, 1730; Transportation, 1200; Municipal utilities, 2627

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**General****General laws. Incorporation**

*See also* Incorporation fees and taxes, 842

**Ari.** Amending R. S. '01 §766, 770 relating to corporations: contents of articles of association; articles may be amended by vote of majority of *stock* [formerly stockholders]. 88, 19 Mr 03

**Ark.** Amending S. '94 §1334 relative to filing of articles and certificate by corporations and issuing of certificate of incorporation. 18, 12 F 03

**Col.** Notice of dissolution and certificate of renewal of corporations to be filed with secretary of state; limit of existence for foreign same as for domestic corporation. 76, 9 Ap 03

**Ct.** General corporation law. 27p. 194, 22 Je 03

- e **Del.** Referring to Legislature of 1905 amendment to Constitution art.9 §3, 6 relating to corporations: removing restriction as to valuation of labor or property taken in payment of stock; repealing provision relating to voting of stockholders. 254, 17 Mr 03
- f **Del.** General corporation law. 66p. 392-94, 17 Mr 03
- g **Del.** Secretary of state to print 3000 indexed copies of amended general corporation law and annual franchise tax law for public distribution. 497, 9 Ap 03
- h **Ill.** Amending R. S. '01 ch.32 §50 as to change of number or par value of shares of corporations and consolidation of corporations not organized for profit. p.131, 16 My 03
- i **Me.** Permitting railroad, telegraph, telephone, gas and electric companies incorporated under general law to do business in other states and jurisdictions. Amending R. S. '83 ch.48 §16. 182, 27 Mr 03
- j **Mass.** General law regulating business corporations. 25p. 437, 17 Je 03
- k **Mich.** Revision of laws relating to incorporation of manufacturing and mercantile companies. 13p. 130, 20 My; 133, 21 My; 232, 18 Je 03
- l **Mo.** Corporation may, by vote of holders of majority of stock, increase or decrease par value of shares, correspondingly reducing or increasing number of shares; changes of name of corporation or number of trustees to be recorded with county record. Amending R. S. '99 §971. p.114, 30 Mr 03
- m **Mo.** Certificate of incorporation of manufacturing and business corporations to show capital, *period of existence and permanent location*. Amending R. S. '99 §1314. p.123, 24 Mr 03
- n **Nev.** General corporation law. 42p. 88, 16 Mr 03
- p **N. J.** Certificates of incorporation, reports etc. relative to corporations to be in English. 149, 8 Ap 03
- q **N. C.** Copy of certificate of incorporation to be filed in office of secretary of state. Amending general corporation law '01 ch.2 §343, 3 Mr 03
- r **N. C.** Amending '01 ch.2 §30 as to increase or decrease of capital stock or change of name of certain corporations. 510, 6 Mr 03
- s **N. C.** Amending general corporation law '01 ch.2 §2, 19 adding §55a: vice president may convey land; increase of preferred stock; corporation may hold stock of other corporations. 660, 9 Mr 03
- t **Okla.** Amending S. '03 §941 relating to purposes for which private corporations may be formed; registered foreign corporations have same privileges. 9 art.1, 11 Mr 03
- u **Or.** Amending and supplementing Ann. C. & S. §5070, 5100 relative to corporations: increase or decrease of capital stock; conditions under which foreign corporations may transact business; annual statement to secretary of state; corporation faili

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- to pay fees debarred from bringing action; district attorney to prosecute. p.39, 16 F 03
- Tenn.** Extending provisions of C. §2024-53 to provide for organization of corporations to carry on business of undertakers and funeral directors. 313, 10 Ap 03
- Tenn.** Extending provisions of C. §2024-53 to provide for organization of corporations to deal in live stock and farm products and to operate cotton gins and elevators. 430, 15 Ap 03
- Tenn.** Providing for formation of private business corporations not provided for by existing statutes. 474, 3 Ap 03
- Tex.** Private corporations may be created for manufacture of ice, gas, light, heat, water and electric power in connection with mills or gins, or for harvesting and threshing. Amending R. C. S. art.649 and adding art.650a. 138, 1 Ap 03
- U.** Amending R. S. '98 t.2 ch.1-2 relating to corporations: may mortgage property; mining corporation may acquire land; appointment and removal of directors; transfer of stock; amendments to articles; purchases of stock. 94, 12 Mr 03
- Va.** General corporation law. 46p. 270, 21 My 03
- W. Va.** Amending C. ch.54, §17, 19 relative to certificates of incorporation: publication of same by secretary of state at close of session; official copies. 5, 28 F 03
- Amendment and extension of charter. Reorganization**
- Cal.** Amending C. C. §362 authorizing corporations to amend articles of incorporation. 285, 25 Mr 03
- Mo.** Amending R. S. '99 §1313 as to amendments to articles of agreement of manufacturing and business corporations. p.123, 23 Mr 03
- N. J.** Amending '02 ch.196 relative to renewal of existence of corporations: corporations or companies possessing right to take and condemn lands excepted. 205, 8 Ap 03
- S. D.** Corporation may obtain from secretary of state certificate extending existence on filing application and statement; regulations. 105, 5 Mr 03
- S. D.** Private corporations may amend articles on vote of stockholders holding two thirds of outstanding stock; increase and decrease of capital stock; regulations. 106, 5 Mr 03
- Commencement of business**
- Minn.** Before commencing business, corporation organized for profit to publish articles of association in 2 successive issues of daily or weekly newspaper. 300, 20 Ap 03
- Domicile. Name. Residence of officers**
- Cal.** Amending C. C. §321a relating to change of principal place of business of corporation. 216, 20 Mr 03
- Cal.** Verified copy of decree of court changing name of corporation to be filed with secretary of state. Adding §308 to C. C. 219, 20 Mr 03



- c N. C. Name of corporation to end with word *corporation*. Amending '01 ch.2 §8 subdiv.1. 453, 1
- d N. C. Principal place of business of domestic corporation deemed residence for purpose of suing or being sued. Am. C. §192. 806, 1
- e Pa. Providing for change of name of corporations on two vote of directors and stockholders; procedure; proviso. 185, 2
- f Wash. Corporation may not take name identical with or to that of other corporation doing business in state. 84, 1
- 506 **Liability of stockholders**
  - a Kan. Repealing G. S. '01 §1302 relating to liability of holders in corporations; excepting railroad and benevolent corporations. 152, 11
  - b O. Submitting amendment to Constitution art.13 §3 1 liability of individual stockholder to amount of unpaid *Adopted November 1903*. p.961, 2
  - c Or. Amending Ann. C. & S. §5065 as to liability of holders in private corporations: stock issued in payment for property conveyed to corporation to be fully paid stock and not to assessment. p.212, 1
- 507 **Supervision**
  - a Ari. Transferring duties of secretary of territory relative to corporations to territorial auditor; fees to be paid into general fund of territory. 29, 18
  - b Mass. Amending R. L. ch.5 §11 requiring secretary of commonwealth to submit to General Court abstract of certificates of stock with him, *excepting those of foreign corporations*. 424, 1
  - c Mich. Corporations *not filing annual report showing owners' shares* to file with secretary of state during January or February statement of outstanding shares and owners thereof. Am. C. L. '97 §11364. 35, 10
  - d Wy. Domestic corporations, in 90 days after incorporation file with secretary of state certificate of agent and place of business; attorney general to prosecute. 53, 1

509 **Capital. Shares. Debts. Property**

- a Cal. Capital stock of corporation may be diminished by majority vote of board of directors or trustees and written consent of holders of majority of stock; 2 or more corporations may merge or increase consolidated bonded indebtedness. Amending §359. 253, 21

510 **Contracts. Purchase of stock**

- a Ind. Street railway, electric light and gas companies may not issue securities of other companies. Supplementing '01 ch.12; 93, 1

## CIVIL LAW CORPORATIONS

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- b **W. Va.** Amending C. ch.54 §82 relative to sale of property, *assets*, works and *franchises* of corporations other than railroad corporation; purchaser to file evidence of sale with secretary of state. 6, 28 F 03

## 511 Consolidation

*See also* Industrial combinations, 589

- a **Ind.** Merging of corporations organized for similar purposes: directors to form plan of new corporation; vote of stockholders; waterworks companies excepted. Supplementing R. S. '52 ch.66. 220, 9 Mr 03

## 512 Conveyance

- a **Cal.** Consent of holders of two thirds of capital stock necessary for transfer of franchise of corporation. Adding §361a to C. C. 271, 24 Mr 03
- b **Col.** Corporation purchasing property, rights and franchises of another corporation under execution or foreclosure to succeed to all rights for remainder of term; exception. 78, 11 Ap 03
- c **N. D.** Any officer of corporation may acknowledge assignments etc. of liens on real estate. 150, 12 Mr 03

## 513 Debts. Bonds

- a **Fla.** Corporations may borrow money and execute trust deeds or mortgages to secure indebtedness. 114, '03
- b **Wis.** Corporation may mortgage franchises *special, exclusive or otherwise*. Amending S. '98 §1748 subdiv.7. 12, 14 Mr 03

## 514 Increase or reduction of capital

- a **Kan.** Stock of corporation may be decreased on petition of holders of one fourth of stock and vote of holders of two thirds of stock; method of decrease. 151, 10 Mr 03
- b **R. I.** Amending G. L. '96 ch.180 §4, '00 ch.715 requiring vote of *majority* [formerly three fourths] of capital stock to increase or decrease same. 1052, 11 D 02
- c **S. C.** Verbal amendment to C. C. §1851 relating to increase or decrease of capital stock of corporation. 39, 21 F 03

## 515 Limit of property

- a **Pa.** Extending time 5 years' during which corporation may hold real estate acquired under execution or in satisfaction of debts. Amending '97 ch.23. 145, 15 Ap 03

## 516 Shares

- a **Ga.** Amending Pen. C. §691 prohibiting corporations from declaring dividends or distributing as profits money which is not net profit but increases debts. p.58, 16 D 02
- b **Ind.** Amending '01 ch.197 §1, '93 ch.92, §4 as to issue and interest of preferred stock of corporations. 122, 9 Mr 03
- c **Mass.** Stock may be transferred by delivery of certificate by owner; such transfers to be recorded on books of corporation. Repealing R. L. ch.111 §59, ch.112 §18, ch.123 §42. 423, 12 Je 03
- d **Wis.** Preferred stock of corporation to give no preference in distribution of assets unless *otherwise provided in articles of incorpora-*

tion or authorized by unanimous vote of holders of common  
privileges of preferred stock to be stated on all certificates. Am  
S. '98 §1759a. 109, 24

## Government

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### 518 Meetings. Elections

- a **Cal.** Providing for cumulative voting at any meeting of  
holders held in California for election of directors of corp  
doing business in state. Amending C. C. §307. 215, 2
- b **Mich.** Amending C. L. '97 §8553 securing to minority of  
holders representative membership in boards of directors:  
ipal and *banking corporations* excepted. 223, 1
- c **Minn.** Providing for meetings of stockholders of corp  
which have not held annual meetings for 2 years. 152, 1
- d **Pa.** Stockholder of corporation may vote by proxy e  
within 2 months prior to meeting. 17, 1
- e **Pa.** Regulating time and place of taking votes of stockl  
52, 2.
- f **U.** Articles of incorporation may restrict power to vote t  
ers of certain classes of capital stock. Amending R. S. '98 §  
59, 12

### 519 Officers

- a **Mo.** *Not less than 3* directors [formerly 1] of manufactu  
business corporation to be citizens of state. Amending R  
§1320. p.124, 22
- b **N. Y.** Number of directors of stock corporation may  
creased beyond maximum now prescribed by law. Am  
'92 ch.688 §21. 320, 6
- c **Wash.** Forbidding officer of corporation to publish or as  
publication of statement wilfully misrepresenting affairs of c  
tion; penalty. 93, 1.

### 520 Liability of officers

- a **N. J.** Limiting penal liability of directors, officers, prome  
agents of corporations for accepting bonus or reward.  
menting '96 ch.185. 182, 1

### 521 Reports

- a **Ill.** Amending R. S. '01 ch.124 §2 relating to annual rep  
corporations: exempting religious corporations and corpe  
not organized for profit. p.123, 1
- b **Mon.** Amending C. C. §451 relative to annual reports  
porations. 32,

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## Dissolution. Insolvency

*See also* Same head under Banking, 1087; *also* Insolvency (general), 443

- a **Ari.** Designating causes for which corporation may be di  
procedure. 82, 1
- b **Ind.** Corporation may be dissolved by vote of majority o  
ors and consent of all stockholders and creditors, provide  
of creditors are not impaired. 152.

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**Minn.** Unclaimed dividends of insolvent corporations to be paid into state treasury; person entitled thereto may claim within 10 years; procedure. 14, 13 F 03

**Minn.** Providing for appointment of receiver to wind up affairs of corporation which has become extinct leaving property undisposed of; procedure. 331, 21 Ap 03

**N. D.** Providing for conveyance of property of dissolved corporation. Amending R. C. '99 §2914. 59, 6 F 03

**Foreign corporations**

*See also* same head under Railways, 1275; Banking, 1689; Life insurance, 1757; Fire insurance, 1766

**Del.** Regulating business of foreign corporations other than insurance companies: no corporation to exercise banking powers. Amending '93 ch.703, '97 ch.513. 395, 23 Mr 03

**Id.** Foreign corporation to file copy of articles of incorporation with county recorder; appointment of agent. Amending R. S. §2653. p.49, 10 Mr 03

**Mich.** Amending '01 ch. 206 §1 relative to foreign corporations: certificate to be filed with secretary of state; increase of capital. 34, 16 Ap 03

**Mo.** Minor amendment to R. S. '99 §1024a relating to corporations organized outside of United States. p.119, 24 Mr 03

**Mo.** Amending R. S. '99 §1025 relating to foreign corporations: filing of articles; fee of \$10 in addition to incorporation tax and fees required of domestic corporations; reissue of licenses; secretary of state shall not license foreign corporation to do banking business or foreign corporations formed by citizens of Missouri to evade incorporation laws. p.121, 24 Mr 03

**N. M.** Amending C. L. '97 §445-46 relating to foreign corporations: filing of articles of incorporation and certificate stating place of business and names of agents; penalties. 65, 14 Mr 03

**N. M.** Amending C. L. '97 §445 relating to foreign corporations: fees; copy of articles to be filed with county recorder. 114, 19 Mr 03

**N. C.** Certain foreign corporations to file copy of charter and statement of capital etc. with secretary of state; fees; penalty. Repealing '01 ch.2 §57. 766, 9 Mr 03

**Va.** Amending C. §1104-5 regulating transaction of business by foreign corporation: to file *with Corporation Commission*, also with secretary of commonwealth, copy of power of attorney, charter, certificate of state auditor and of *commission granting license*; annual license fee; penalties. 242, 15 My 03

**Property rights**

**Kan.** Amending '01 ch.127 empowering foreign corporations to hold securities and liens securing loans. 153, 13 Mr 03

**N. J.** Foreign, *other than municipal*, corporations may acquire, own and convey real estate. Amending '02 ch.38. 22, 13 Mr 03

## 532 Reports

- a **Kan.** Relating to annual reports of foreign corporations to secretary of state. 150, 7 Mr 03

## 535 Special classes of business corporations

## 549 Fire and emergency alarm companies

- a **Mich.** Providing for organization of electric fire, burglar and emergency alarm corporations. Repealing C. L. '97 §8487-94. 168, 2 Je 03

## 550 Mercantile companies

- a **Tenn.** Trade corporations may manufacture goods sold. 486, 3 Ap 03

## 561 Mining and manufacturing companies

- a **Ct.** Prohibiting sale of shares of stock in mining and oil corporations, unless statement is filed with secretary of state; registration fee \$25; prosecution. 196, 19 Je 03
- b **Ind.** Mining and manufacturing companies may increase capital stock at special meetings of stockholders; date of annual meeting may be fixed in articles of association; directors may fill temporary vacancies in board. 37, 27 F 03
- c **Ind.** Amending Burns's Ann. S. '94 §5051 relating to incorporation of manufacturing and mining companies. 73, 3 Mr 03
- d **Kan.** Term "mining" to include prospecting for and obtaining any valuable product existing under ground; corporations may be organized to obtain any such products. 360, 10 Mr 03
- e **Me.** Manufacturing corporations may provide in bylaws for classifying directors and extending term beyond one year; conditions under which corporate acts may be performed without state. Amending R. S. '83 ch.48 §2. 182, 27 Mr 03
- f **Mich.** Limiting capital stock of mining, smelting and ore-manufacturing corporations to \$10,000,000 [formerly \$2,500,000]; purchase of mining stock; sale of stock of delinquent stockholder. Amending C. L. '97 §6994. 233, 18 Je 03
- g **Pa.** On petition of holders of one third of stock, Court of Common Pleas to decree dissolution of mining corporation organized for over 30 years but not operating for 10 years. 74, 27 Mr 03

## 564 Oil and gas

- a **Ind.** Capital stock of company, *exclusively* engaged in operating oil or gas wells or manufacturing gas, limited to \$2,000,000. Amending Burns's Ann. S. '01 §5102, §2. 128, 9 Mr 03

## 568 Salvage companies

- a **Tenn.** Providing for incorporation of wreck and salvage companies to operate on land; powers, duties and liabilities. Amending C. §2507-8. 27, 6 F 03

## CIVIL LAW CORPORATIONS

575-8

575

## Summer resort and hotel companies

- a **Mich.** Summer resort associations may acquire and hold property not exceeding 700 [formerly 320] acres of land and personalty to value of \$200,000 [formerly \$100,000]. Amending C. L. '97 §7620.  
77, 6 My 03
- b **Mich.** Adding §22, 23 to '97 ch.230 relating to powers of stockholders in summer resort associations.  
127, 20 My 03

582

## Corporations not for profit

*See also* Fraternal societies, 1761; Charities, 2140; Agricultural societies, 1834; Exemptions from taxation, 809

583

## General

Including religious, educational, social, scientific, benevolent etc.

- a **Cal.** Founder of educational institution, art gallery or library may transfer rights and duties to board of trustees. 130, 13 Mr 03
- b **Cal.** Corporations not organized for profit may consolidate with consent of three fifths of boards of directors or trustees. Adding §605 to C. C. 212, 20 Mr 03
- c **Col.** Fee for filing annual statement of fraternal, religious or benevolent society, \$5. Amending Ann. S. '91 §2229. 120, 10 Ap 03
- d **Ill.** Dissolution of charitable and educational corporations under patronage of religious denomination; disposition of property and funds. p.133, 13 My 03
- e **Kan.** Unauthorized use of badge, uniform or other emblem of secret, fraternal or beneficiary society a misdemeanor. 225, 4 Mr 03
- f **Mass.** Verbal amendment to R. L. ch.84 §14 relating to annual reports of charitable corporations. 402, 29 My 03
- g **Mich.** Amending C. L. '97 §8182 relating to articles of association of literary, scientific and art associations. 94, 7 My 03
- h **Mich.** Providing for incorporation of associations not for profit; religious organizations excepted. 171, 2 Je 03
- i **Mich.** Corporations not for profit may amend articles of association; procedure. 256, 18 Je 03
- j **Mo.** Prohibiting wearing of emblem of secret society by person not authorized. p.166, 21 Mr 03
- k **Mon.** Amending C. C. §860-63, 865 relating to incorporation of associations not organized for profit. 70, 5 Mr 03
- l **N. J.** Corporations not for profit may change name on majority vote of stockholders and filing certificate with secretary of state. 229, 8 Ap 03
- m **N. M.** Similar benevolent, charitable and scientific corporations may consolidate. 22, 10 Mr 03
- n **N. Y.** Charitable or educational corporation may maintain branches outside of state. Amending corporation law '92 ch.687 §14. 178, 14 Ap 03

- p **N. Y.** Amending University law '92 ch.378 §30 as to appointment of receiver to liquidate affairs of educational corporation; application of Regents of University; Regents to dispose of property. 289, 27 Apr
- q **N. Y.** Amending C. C. P. §1804, 1810 as to dissolution of educational corporation on application of trustees or of Regents of University. 290, 27 Apr
- r **Okl.** Amending S. '03 §1146, 1148 and repealing §942, 1157 relating to religious, educational, charitable or scientific corporation membership of board of trustees; limitation of property; incorporation of educational institutions. 9, art.2, 16 Mr
- s **Or.** Extending provisions of Ann. C. & S. §5182 to incorporation of educational, scientific and fine art societies. p.176, 24 F
- t **U.** Head of church, religious or charitable society may make articles of incorporation and become corporation sole with perpetual succession; powers. Repealing '01 ch.80. 73, 12 Mr
- u **Wash.** Providing for incorporation of subordinate lodges of fraternal orders. 80, 12 Mr
- 584 **Officers**
- a **Mich.** Amending '99 ch.166 §3 relating to managing board of charitable corporations. 215, 216, 16 Je
- 585 **Property**
- a **Cal.** Corporations not organized for profit may hold land not exceeding 50 [formerly 20] acres. Amending C. C. §595. 125, 13 Mr
- b **Fla.** Corporations not for profit may incur indebtedness or liability to amount fixed by charter; provision for additional bonds or mortgage indebtedness. 115, 20 My
- c **Id.** Amending R. S. §2764 authorizing religious, social and benevolent corporations to convey property. p.342, 18 F
- d **Mich.** Literary and scientific corporations may hold property to sum of \$1,500,000 [formerly \$100,000]. Amending C. L. '97 §817. 104, 14 My
- e **N. J.** Corporations not for profit may hold and convey property as owners or trustees thereof. Repealing '99 ch.117, '01 ch.198. 198, 8 Ap
- f **Tenn.** Chartered educational institutions may sell or dispose of corporate property. 547, 10 Ap

### Religious corporations

- a **Ari.** Head of church or religious society may, on filing articles of incorporation, become corporation sole; regulations. 41, 18 Mr
- b **Ct.** Amending G. S. '02 §3941 regulating admission to membership in church, religious or ecclesiastical society on *two thirds* [formerly majority] vote. 93, 15 My

**Id.** Amending '99 p.236 relating to incorporation of churches and religious societies: corporation sole; powers. p.302, 10 Mr 03

**N. H.** Majority of church proprietors may tax pews for support of public worship. Adding §20 to P. S. ch.153. 60, 7 Mr 03

**Tenn.** Amending C. §2024-53 providing for incorporation of vestrymen, boards of trustees etc. of religious societies and churches. 203, 26 Mr 03

**Wis.** Amending S. '98 §1998 relative to organization and powers of religious societies. Adding §1998a. 198, 11 My 03

## Industrial combinations and monopolies

*See also* subhead Consolidation under Corporations, Banking, Insurance, Railroads

**Ill.** Exempting from provisions of antitrust law combinations of firms for maintaining wages. p.298, 10 Je 97. *Unconstitutional.* Unlawful discrimination. *People v. Butler St. Foundry & Iron Co.*, 66 N. E. 349.

**N. H.** Amending Constitution pt2 art.82: Legislature may pass laws prohibiting trade combinations made to restrict competition. *Adopted March 1903.* Constitutional Convention 1902, amendment 8

**Tenn.** Combinations in restraint of trade prohibited; forfeiture of charter or right to do business; contracts not enforceable; penalties; attorney general to prosecute. 140, 23 Mr 03

**Tex.** Prohibiting trusts, monopolies and conspiracies: defining trusts as combination to fix prices, regulate output or pool interests; monopoly as combination of corporations to lessen competition, and conspiracy as agreement to boycott any person; forfeiture of charter or right to do business; fine and imprisonment; procedure. Repealing R. C. S. t.108; Pen. C. art.976-88d; '95 ch.83; '99 ch.146. 94, 31 Mr 03

## Administration of justice

### Practice of law

#### Admission to bar

**Ark.** Graduates of law department of University of Arkansas may be licensed to practice without examination. 74, 11 Mr 03

**Kan.** Citizen of *Kansas* [formerly United States] who has read law for 2 years in *Kansas* law office or graduated from law school and satisfies *Supreme Court* [formerly District Court] as to ability and character may be admitted to the bar. Amending G. S. '01 §389-90. 64, 4 Mr 03

**Me.** State Board of Examiners for admission to bar to meet *semiannually* [formerly annually] *at such times and places as directed by Supreme Judicial Court*; certificate requires minimum average of 70%; no fee for second examination within year. Amending '99 ch.133 §3-6. 146, 26 Mr 03



N. Y. STATE LIBRARY SUMMARY OF LEGISLATION 19

- d **Neb.** Amending C. S. '01 §589-90, 596 relative to admission to bar: after 1904, examinee must have had preliminary education sufficient to enter senior year of high school, 3 [formerly of law practice and study; examination to cover common law, equity, criminal law, statutes and practice of state; provision for registration of students in offices; admission by license from other states. 5,
- e **N. D.** Person who has been admitted to bar and practiced law for 5 years [formerly 1] in other state may be admitted to bar without examination of Supreme Court. Amending R. C. '99 §424. 3;
- f **N. D.** Oath may be administered by clerk of Supreme Court to graduates of law department of University of North Dakota; admitted to practice by Supreme Court. Amending R. C. '99 §188
- g **Okl.** Supreme Court [formerly Court of Record] to regulate admission and license applicants for admission to bar; qualification examination; commission may be appointed to conduct examination; exemption of practising attorneys; admission of licensed attorneys from other states. Amending and supplementing S. '03 §223 art.1, 4 Mr; art.2,
- h **S. D.** Supreme Court to admit graduates of College of Law of State University to practice without examination. 7;
- i **S. D.** Amending P. C. '03 §686 relating to admission of graduates to practice: graduates of College of Law of State University exempt from examination by Supreme Court. 78,
- j **Tenn.** Creating Board of Law Examiners to consist of 5 members appointed by Supreme Court for 3 years; salary \$250; license to practise on examination by board; fees; annual fee by board to secretary of state. Repealing C. §5777, 5778, 247, 30 Mr; 465
- k **Tex.** Each Court of Civil Appeals biennially to appoint Board of Legal Examiners to examine applicants for license to practice law; regulation; fee, \$10. Amending R. C. S. t.11. 42,
- l **Wash.** Supreme Court may appoint for 1 year Board of Law Examiners to consist of 3 members of court of 5 years term; powers and duties. Amending Ann. C. & S. '97 §4759, 4; 185,
- m **Wis.** Amending S. '98 §2586 subdiv.3, 6 relating to practice of law: Board of Legal Examiners appointed by Supreme Court to fix standard of requirements for admission to examination. 19.

Miscellaneous

593

594 Barratry

- a **Wash.** Barratry: any person instigating lawsuit to defraud defendant or wilfully prosecuting false suit, and attorney guilty of barratry if he employs or defends suit to be guilty of penalty. Amending Ann. C. & S. '97 §7323. 56

## CIVIL LAW ADMINISTRATION OF JUSTICE

595-6

**5 Compensation. Fees. Liens**

- a Kan.** On application of party interested, court may without formal pleading determine amount due on attorney's lien on judgment and order payment. Amending '01 §396. 65, 25 F 03

**5 Disbarring attorneys**

- a Mon.** Judgment of disbarment or suspension of attorney rendered in District Court may be appealed to Supreme Court within 1 year; causes for suspension or disbarment. Amending C. C. P. §402. 36, 27 F 03
- b N. Y.** Before suspension or removal of attorney or counselor, charges to be delivered to him personally, or, if he can not be served within the state, by mail or otherwise as court may direct. Amending C. C. P. §68. 327, 6 My 03
- c Wis.** Supplementing S. '98 §2586 relating to revocation of attorney's license to practise in courts of record: complaint; disbarment proceedings; costs; appeal. 84, 20 Ap 03
- d Wy.** Amending R. S. '99 §3320 relative to proceedings instituted by Board of Law Examiners to disbar attorney at law; repealing §3324-26 relating to proceedings in designated offenses to suspend or revoke licenses. 102, 23 F; 103, 23 F 03

**97 Practice. Limitations**

- a Me.** Judges of Municipal Court to give no counsel and accept no retainer in causes within own jurisdiction. 115, 19 Mr 03
- b Neb.** County judge may not draw written instrument to be filed in his own court. Amending C. S. '01 §598. 6, 8 Ap 03

x0

**Courts**

Names and general organization of courts vary greatly in different states. Courts are here grouped according to actual jurisdiction. The precise names of the courts are preserved in entries and subordinate headings.

11

**General**

- a Cal.** Submitting amendments to Constitution art.6 relating to judiciary: dividing state into 3 judicial districts, each presided over by District Court of Appeals, consisting of 3 justices; appellate jurisdiction over certain cases hitherto under jurisdiction of Supreme Court; case pending before Supreme Court may be transferred to District Court of Appeals; election of justices; qualifications; salaries; Supreme Court Commission abolished. *Vote November 1904.* p.737, 14 Mr 03
- b Ct.** \$500 additional expense allowance granted to judges of Supreme and Superior Courts. Amending G. S. '02 §4816. 137, 3 Je 03
- c Ct.** Salary of chief justice of Supreme Court of Errors \$6500 [formerly \$4500]; associate justices of Supreme Court and judges of Superior Court \$6000 [formerly \$4000 and \$1000 for expenses]. Amending G. S. '02 §4816. 163, 11 Je 03

- d **Del.** Repealing R. C. p.241, '66 ch.5, relating to salaries of judges and their connection with corporations and prohibiting acceptance of favors from corporations. 287, 12 Mr 03
- e **Fla.** Redistricting state into 8 [formerly 7] judicial circuits and providing for appointment of judges and state's attorneys. Amending R. S. '92 §1359-65. 15, 7 My 03
- f **Fla.** Submitting amendments to Constitution art.5 §1, 5, 11 24-29, 31, 32 relating to Judiciary Department: Legislature on petition of majority of voters of county to establish County Court of Record, replacing previous County Court and Criminal Courts; appointment of judge and prosecuting attorney; jurisdiction; abolition of court; rules of practice. *Vote November 1904.* p.839, 03
- g **Ind.** Salary of judges of Supreme and Appellate Courts, \$6000 [formerly \$4000 for Supreme and \$3500 for Appellate], of reporter of Supreme Court, \$5000 [formerly \$4000]. Amending Burns's Ann. S. '94 §1353, 6417, 7741. 9, 9 F 03
- h **N. J.** Submitting amendment to Constitution art.7 §2 ¶1 adding to the judicial officers appointed by governor with consent of Senate, *judges of Circuit Court, of Court of Common Pleas and vice chancellors*; repealing ¶2 whereby judges of Court of Common Pleas were appointed jointly by Senate and Assembly. *Rejected September 1903.* 177, 8 Ap 03
- i **Pa.** Fixing salaries of judges of Supreme and Superior Courts. Courts of Common Pleas and Orphans Courts. 134, 14 Ap 03
- j **S. D.** Fixing salaries of Supreme Court judges at \$3000; Circuit Court judges at \$2500, except in circuits of less than 5000 sq. m. and 54,000 population. 110, 1 F 01. *Unconstitutional* as to exception. Unauthorized. Bennett v. State, 93 N. W. 643
- k **Va.** Governor on notification to designate substitute for judge of County, *Circuit or City* [formerly Corporation] Court in case of disability or vacancy; compensation; procedure. Amending C. §3049, '94 ch.725. 55, 27 Ja; 182, 27 Ap; 314, 20 My 03
- l **W. Va.** Amending C. ch.11 §1, 7 increasing salaries of judges of Circuit Courts and Supreme Court of Appeals. 23, 26 F 03
- m **Wy.** Submitting amendment to Constitution '89 art.5 §17 fixing salary of Supreme Court judges at \$5000, and District Court judges at \$4000 after January 1905. *Vote November 1904.* p.152, 23 F 03

604

### Supreme court

Including only those highest in state, of whatever name, e g. Court of Appeals but not Supreme Court of New York. In New York, New Jersey and elsewhere the Supreme Court is a district court and is classed below others. The Court of Appeals in New York, New Jersey, Kentucky and Maryland is the highest court, but in Colorado, Kansas, Missouri and Texas it is subordinate to the Supreme Court.

### 605 General and miscellaneous

- a **Ark.** Submitting amendment to Constitution art.7 §3: Supreme Court to consist of chief justice and 5 [formerly 4] associate justices; court to sit in 2 divisions; transfer of causes from division to court. *Vote November 1904.* p.482, 10 Mr 03

## CIVIL LAW ADMINISTRATION OF JUSTICE

**Cal.** Providing for reappointment of Supreme Court Commission ('01 ch.113); stenographer. 161, 18 Mr 03

**Col.** Submitting amendment to Constitution art.6 §5-8 relative to Supreme Court: election, term and number of judges; departments. *Vote November 1904.* 73, 6 Ap 03

**Fla.** Circuit judges to serve in place of judges of Supreme Court disqualified or disabled: regulations. Amending R. S. '92 §1310. 18, 20 My 03

**Fla.** Supreme Court, in accordance with amendment to Constitution art.5 §2 adopted in 1902, to consist after June 1905 of 6 justices to be elected at general election for 6 years; choice of chief justice; court may sit in a body or in 2 divisions. 19, 4 Je 03

**Id.** Appointing Supreme Court Building and Library Commission, consisting of 7 designated members to erect and equip building and purchase library; governor, treasurer, secretary of state and attorney general to serve as a board to negotiate loan of \$15,000. p.42 §2, 4, 20 F 03

**Id.** Minor amendment to '99 p.181 relating to salary of justices of Supreme Court. p.47, 14 F 03

**Me.** Salary of justices of Supreme Judicial Court \$5000 [formerly \$4000]. Amending '01 ch.226. 14, 18 F 03

**Mich.** Supreme Court, after Jan. 1905, to consist of chief justice and 7 [formerly 4] associate justices; election of 3 new associate justices; quorum to consist of 5 [formerly 3] members. Amending C. L. '97 §177, 179, 185. 250, 18 Je 03

**Mon.** Supreme Court to appoint 3 commissioners for term of 4 years to assist in performance of duties of Supreme Court; salary \$4000; act to cease to be operative in 4 years. 14, 23 F 03

**N. J.** Submitting amendment to Constitution art.6 §2: Court of Errors and Appeals to consist of *chief judge and 4 associate justices* [formerly chancellor, justices of Supreme Court and 6 judges or major part of them] *or any 4 of them*; writ of error *vested exclusively in court* [formerly exercised by Supreme Court]. *Rejected September 1903.* 177, 8 Ap 03

**N. C.** Supreme Court library to be furnished 11 [formerly 5] copies of statute laws. Amending C. §3632. 801, 9 Mr 03

**N. D.** Amending R. C. '99 §377 relative to terms of Supreme Court: time and place of certain hearings. 193, 7 Mr 03

**N. D.** Salary of judges of Supreme Court \$5000 [formerly \$4000]; \$100 a month for traveling expenses. Amending R. C. '99 §379. 194, 19 Mr 03

**Or.** Amending Ann. C. & S. §2469, 2472 relating to Supreme Court; terms; expiration of term of justices; annual expense allowance increased to \$2500 [formerly \$500]. p.182, 19 F 03

**Or.** Judges of Supreme Court to prepare opinions in *quaduplicate* [formerly duplicate]; disposition of same. Amending Ann. C. & S. §2471. p.293, 24 F 03

- r **R. I.** Amending G. L. '96 ch.221 §3 allowing justices of Supreme Court to retire with full salary at 65 [formerly 70] years. 1062, 12 D 0
- s **U.** Salary of Supreme Court judges \$5000 [formerly \$3000 as fixed by Constitution art.8 §20]. 74, 12 Mr 03
- t **Vt.** Supreme Court judge may act as referee, auditor, commissioner or special master in cases where appointed prior to appointment or election as judge. 34, 10 N 02
- u **Vt.** Relating to exceptions and accounts of stenographers in case tried by deceased judge of Supreme Court. 35, 21 N 02
- v **W. Va.** Supreme Court of Appeals to consist of 5 [formerly 4] judges. Amending C. ch.113 §1. 19, 28 F 03
- w **W. Va.** Judges of Supreme Court of Appeals to be elected every 12 [formerly 4] years. Amending C. ch.3 §2. 21, 28 F 03
- x **Wis.** Submitting amendment to Constitution art.7 §4 fixing number of Supreme Court justices at 7 [formerly 5]; term 10 years; 1 to be elected each year. *Adopted April 1903.* 10, 12 Mr 03
- y **Wis.** Amending S. '98 §94s as to filling of vacancy in office of justice of Supreme Court. 10 §4, 12 Mr 03
- z **Wy.** Amending R. S. '99 §4276 relating to reservation of actions to Supreme Court; proviso. 72, 21 F 03
- 606 **Officers**
- a **Cal.** Clerk of Supreme Court may employ stenographer. Adding \$751½ to P. C. 163, 18 Mr 03
- b **Col.** Deputy clerk of Supreme Court, serving as assistant librarian, to receive salary of \$2000 [formerly \$1500]. Amending '93 ch.57. 92, 10 Ap 03
- c **Ill.** Amending R. S. '01 ch.37 §17 fixing salary of Supreme Court librarian at \$1800; [formerly a librarian was appointed for each grand division of Supreme Court at \$50 a quarter]. p.154, 14 My 03
- d **Mo.** Each division of Supreme Court may appoint 2 stenographers. p.155, 23 Mr 03
- e **Neb.** Minor amendment to C. S. '01 §2415 relative to term of office of commissioners and stenographers of Supreme Court. 37, 8 Ap 03
- f **N. H.** Allowance for stenographic and typewriting service to be made to judges of Supreme Court. Amending '99 ch.67 §1. 101, 31 Mr 03
- g **N. C.** Supreme Court may employ stenographer with \$1000 salary. 805, 9 Mr 03
- h **Tex.** Amending R. C. S. art.956 as to salaries of deputy clerks of Supreme Court. 88, 31 Mr 03
- i **U.** Salary of Supreme Court stenographer \$1200 [formerly \$900]. Amending '01 ch.34 §666a. 6, 12 F 03
- j **Wy.** Salary of bailiff of Supreme Court \$600 [formerly \$300]. Amending R. S. '99 §3413. 3, 11 F 03

7 **Reports**

- 1 **Id.** Publication of Idaho Supreme Court reports containing all decisions since 1882; distribution. p.367, 6 Mr 03
- 2 **Kan.** Amending G. S. '01 §1917 relating to distribution of Supreme Court reports; price \$1.50 [formerly \$2.50] a volume. 401, 13 Mr 03
- 3 **Minn.** Supreme Court to select person or corporation to prepare 500 copies of digest of all decisions of Supreme Court; distribution. 372, 21 Ap 03
- 4 **Mo.** Amending R. S. '99 §1668 relating to distribution of court reports. p.154, 24 Mr 03
- 5 **N. H.** Salary of state reporter \$1800 [formerly \$1000]. Amending P. S. ch.214 §12. 7, 4 F 03
- 6 **N. C.** Supreme Court library to be furnished 12 [formerly 9] copies of Supreme Court reports. Amending '99 ch.667. 689, 9 Mr 03
- 7 **Va.** Supreme Court of Appeals may destroy manuscript records 2 years after decision; clerk to bind record of each case with briefs of counsel; fee. 90, 16 Mr 03
- 8 **Wy.** Providing for publication of decisions of Supreme Court; selling price; distribution. 60, 20 F 03

9

**Intermediate courts**

3

**Chancery court**

- a **Ark.** Establishing separate chancery courts in each county: circuit; terms; jurisdiction; election, powers and qualifications of chancellors; sheriffs and clerks; powers of chancery courts. 166, 27 Ap 03
- b **Del.** Chancellor may appoint master in chancery pro hac vice and regulate duties and compensation. 449, 24 Mr 03
- c **N. J.** Chancellor may fix salary not exceeding \$1200 of sergeants at arms of chancery chambers. 41, 13 Mr 03
- d **N. J.** Submitting amendment to Constitution art.6 §4 ¶1: Court of Chancery to consist of chancellor and such number of vice chancellors as provided by law; each may exercise jurisdiction of court. Rejected September 1903. 177, 8 Ap 03

5

**Circuit courts**

- a **Fla.** Prescribing time for holding terms of circuit courts. 16, 4 Je 03
- b **Fla.** Providing official reporters in circuit courts: duties; compensation. Repealing R. S. '92 §1399. 17, 29 My 03
- c **Ind.** Amending Burns's Ann. S. '94 §1468 as to powers of master commissioner appointed by Circuit Court in counties under 10,000. 135, 9 Mr 03
- d **Mich.** Amending C. L. '97 §303 relative to duty of sheriff in absence of judge of Circuit Court. 57, 27 Ap 03
- e **Mich.** Defining jurisdiction of Circuit Courts in Chancery in certain cases. 183, 4 Je 03

## N. Y. STATE LIBRARY SUMMARY OF LEGISLATION 1903

- f **Mich.** Submitting amendment to Constitution art.6 §6 as to payment of circuit judge in counties of Bay and Washtenaw. *Adopted April 1903.* p.429, '03
- g **Mo.** Circuit Court to have concurrent original jurisdiction with justices of the peace in cases involving \$50 or less or having 2 or more defendants resident in county. Amending R. S. '99 §1674. p.140, 26 Mr 03
- h **Mo.** Amending R. S. '99 §3266 relating to fees retained by clerks of Circuit Court. p.196, 18 Mr 03
- i **S. D.** Judge of Circuit Court on petition may hold court elsewhere than at county seat in certain cases. Amending '95 ch.62. 120, 13 Ja 03
- j **Tenn.** Regulating salaries and fees of Circuit Court clerks. 255, 15 Ap 03
- k **W. Va.** 4 [formerly 3] terms to be held by Circuit Courts each year; redistricting state into circuits. Amending C. ch.112 §1, 3. 20, 24 F 03
- l **W. Va.** Fixing time for holding Circuit Court in the several counties of judicial circuits. Repealing C. p.1147-50. 22, 26 F 03
- m **Wis.** Court officers or attendants appointed by judge of Circuit Court to have powers of sheriff. Amending S. '98 §2431. 224, 9 My 03
- n **Wis.** Supreme Court to appoint 5 commissioners to investigate volume of legal business in several judicial circuits and report bill to Legislature by December 1904 redistricting state into judicial circuits. 435, 22 My 03
- 617 **Common pleas**
- a **N. J.** Submitting amendment to Constitution art.6 §6 §1, 2 Court of Common Pleas to be constituted and held in each county provided by law. *Rejected September 1903.* 177, 8 Ap 03
- b **N. J.** Allowing \$20 a day to judge of Court of Common Pleas assigned to another county. Supplementing '00 ch.140. 242, 8 Ap 03
- c **S. C.** Providing for 3 calendars for Court of Common Pleas for different classes of causes. Amending C. C. P. §276. 89, 6 F 03
- 619 **County courts**
- a **Fla.** Salary of judge in counties over 23,000 to be \$1200; provision not to practise law while holding office. 151, 20 My 03
- b **Fla.** Submitting amendment to Constitution art.5 §18: judge of county courts to be attorney at law. *Vote November 1904.* p.637, '03
- c **Ill.** County and probate judges may interchange duties. p.153, 13 My 03
- d **Minn.** Amending '97 ch.311 §8 relative to fees of County Court commissioners. 255, 17 Ap 03

## CIVIL LAW ADMINISTRATION OF JUSTICE

619-

- d N. D. On petition of 200 voting taxpayers, election to be called to determine whether County Court shall have increased jurisdiction. 60, 10 Mr 03
- f N. D. Salary of county judge in counties under 18,000, \$1600 [formerly \$1000]. Amending R. C. '99 §6615. 76, 4 Mr 03
- g Pa. In counties under 300,000 Court may have orders or rules published at county expense; distribution; extra copies \$2. 163, 16 Ap 03
- h S. D. County Court may designate place of holding terms if county seat is not suitable. 116, 24 F 03
- i S. D. Repealing P. C. '03 §684 relating to method of determining population to fix salary of county judges. 201, 11 Mr 03
- j S. D. Fixing salary of county judges according to population of respective counties. 208, 10 Mr 03
- k Wis. County judges to take no fees for administration of estates in *determining descent of lands or for issuing certificates of title*. Amending S. 98 §2454. 45, 31 Mr 03
- l Wis. Amending S. '98 §4051 as to fee in County Courts to be allowed to appraisers and commissioners of claims. 120, 24 Ap 03

9 Court of quarter sessions

- a Pa. Vacancies in office of high constable or constable to be filled by Court of Quarter Sessions. Supplementing '95 ch.266. 26, 11 Mr 03

1 Courts of special sessions

- a N. Y. Courts of Special Sessions to have jurisdiction over misdemeanors designated by Pen. C. §675. Supplementing Crim. C. §56. 92, 25 Mr 03

13 District courts

- a Ari. Bailiffs of District Courts in counties of 1st class to receive salary \$1500. Amending '97 ch.47. 87, 28 F 03
- b Minn. Salary of district judge in counties over 75,000 [formerly 100,000], \$5000. Amending '02 ch.67. 30, 4 Mr 03
- c Minn. In counties where fees of clerk of District Court are less than \$1000, county commissioners to allow additional compensation to make up deficiency. 248, 18 Ap 03
- i Mon. Amending C. C. P. as to motions and orders in absence of judge of district. 20, 24 F 03
- : Neb. County board to appoint clerk of District Court in counties of 8000. C. S. §2908a-b. *Unconstitutional*. Did not receive constitutional majority in House of Representatives. *State v. Davis*, 92 N. W. 740.
- f Nev. In criminal proceedings, district judge may appoint stenographer; transcript of evidence to be admissible in certain cases. 23, 5 Mr 03
- g N. J. Judge of District Court to continue in office till successor be appointed and qualified. Amending '98 ch.228 §4. 137, 7 Ap 03



- h N. J. Providing for appointment of deputy clerks in District Courts of cities of 70,000. Supplementing '98 ch.228. 252, 14 Ap 03
- i N. D. Fee of clerk of District Court for filing papers for renewal of judgment, \$2. Adding subdiv.29 to '01 ch.92 \$5. 55, 10 Mr 03
- j Pa. Vacancy in office of law judge to be filled by judge of nearest Court of Common Pleas till successor has qualified. 6, 26 F 03
- k Pa. Tipstaves in judicial districts of 150,000 to 500,000 to receive salary not exceeding \$800. 9, 5 Mr 03
- l Tex. Judge of District Courts in districts composed of 1 county must, and judges in other districts may, appoint official stenographer at \$5 a day. 60, 25 Mr 03
- m Tex. Amending Crim. C. art.1088 as to fees of district clerk. 85, 31 Mr 03
- n U. Salary of judges of District Court \$4000 [formerly \$3000, as fixed by Constitution art.8 §20]. 86, 12 Mr 03
- p Va. Fixing term of office for judges of 24 judicial districts, dating from 1st election under Constitution of 1902. 39, 18 D 02
- q Wy. Providing for placing of term of District Court in recess, by order of judge on request of county commissioners. 20, 17 F 03
- r Wy. Amending R. S. '99 §3433 relative to filing and preservation of papers by clerk of District Court; removal from office. 24, 17 F 03
- s Wy. Creating office of court stenographer to be appointed by district judge to serve also as judge's stenographer; qualifications; salary \$1000; fees; state examiner to inspect accounts. 29, 18 F 03
- t Wy. District Court interpreters to receive \$5 [formerly \$3] a day, or fractional day, with mileage allowance as for witnesses. Amending R. S. '99 §4294. 68, 20 F 03

635

**Juvenile courts**

*See 371*

637

**Probate courts**

*See 430*

639

**Superior court**

- a Ga. Superior Courts to be held at least twice a year. Amending C. '95 §4315. p.54, 16 D 02
- b Ind. Allowing judges of Superior Courts \$300 in lieu of traveling expenses. 240, 11 Mr 03

641

**State referees**

- a Ct. State referees to report to Superior Court facts in cases referred to them; fees prohibited. 177, 11 Je 03

643

**Supreme courts**

- a N. J. Submitting amendment to Constitution art.6 §5 ¶1: Supreme Court may sit in divisions at same or different times and places. Repealing §3. *Rejected September 1903* 177, 8 Ap 03

## CIVIL LAW ADMINISTRATION OF JUSTICE

643-

- N. Y.** On request of presiding justice of judicial department, *presiding justice* [formerly appellate division] of another department may *consent to assignment of* [formerly assign] trial justice from district in department. Amending '02 ch.484. 141, 6 Ap 03
- N. Y.** Amending '02 ch.484 relative to assignment of justices of Supreme Court of 1 district to hold court in another. 403, 16 F 03
- N. Y.** Provision for reporting decisions of appellate division of Supreme Court. Amending '92 ch. 598 §1. 496, 9 My 03
- N. Y.** Submitting amendment to Constitution art.6 §1 relating to Supreme Court judicial districts: Legislature may increase justices in any judicial district but number may not exceed one justice for each 60,000 or fraction over 35,000; 1st and 2d districts excepted. *Vote November 1905.* p.1452, 22 Ap 03

## Inferior courts

- N. J.** Constituting courts for trial of small causes. 38p. 165, 8 Ap 03
- S. C.** Relating to location, jurisdiction and salaries of magistrates in certain counties. 22, 16 Mr 03
- Tenn.** Referring to next Legislature amendment to Constitution art.6 §1, 4, 8, 13: Legislature may establish necessary inferior courts. *Not repassed by Legislature of 1903.* 80, 22 Ap 01

## Coroners. Medical examiners

- Ari.** In precincts with 2 justices of peace, justice receiving most votes to act as coroner. Amending R. S. '01 §2046, 2049. 7, 4 Mr 03
- N. H.** Amending P. S. ch.262, ch.287 §28 relative to coroners, inquests, and fees. 131, 2 Ap 03
- N. C.** Clerk of Superior Court to appoint special coroner in certain cases. 661, 9 Mr 03

## Medical examiners

- N. H.** Abolishing office of coroner, and transferring powers and duties to medical referee to be appointed for several counties by governor and Council for 5 years. Repealing P. S. ch.262 and amending ch.212 §4, 6. 134, 2 Ap 03

## Inquests

- Fla.** County judge may hold inquest in case of disability of justice of peace. 20, 1 Je 03

## Justices of the peace

- Cal.** Amending '91 ch.277 §56 relating to number and appointment of justices of peace. 118, 12 Mr 03
- Cal.** Abolishing justices courts in cities and towns where recorders courts or city or town recorders have been established. Amending C. C. P. §103. 191, 19 Mr 03
- Ill.** Justice of peace on *written request* from other justice may exchange duties in certain emergencies. Amending '95 p.182 §21. p.223, 13 My 03

- d Mich. Amending C. L. '97 §1063 as to fees of justice of peace for reports made to prosecuting attorney. 58, 27 Ap 03
  - e Minn. Amending S. '94 §5118-19 relating to conviction before justice of peace: fee for making certificate; justice to pay fine into county treasury within 20 days; record of case; penalty. 263, 18 Ap 03
  - f Mon. Relating to fees of justices of peace. 52, 3 Mr 03
  - g Mon. Repealing '01 p.91 §1-2 relative to justices of peace in townships over 10,000. 89, 5 Mr 03
  - h N. Y. Justice of town adjoining incorporated city not to have jurisdiction over action against resident of such city unless *either party* [formerly plaintiff] is resident of town. Amending C. C. P. §2869 subdiv.5. 521, 9 My 03
  - i N. C. Regulating fees of justices of peace in claim and delivery proceedings. 225, 20 F 03
  - j N. D. Relating to jurisdiction of justices of peace in unorganized counties. 65, 10 Mr 03
  - k N. D. Bonds and oaths of county justices of peace to be filed with clerk of District Court. Amending R. C. '99 §342. 128, 10 F 03
  - l Okl. Amending S. '03 §5310, 5808 relating to jurisdiction of justices of the peace: method of empaneling jury; challenge; special bailiff. 25 art.3, 14 Mr 03
  - m Pa. Justice of peace to use official seal to write date of expiration of his commission on each certificate or attestation. 221, 23 Ap 03
  - n S. D. Incorporated towns may elect 2 justices of peace on petition of one fifth voters. 135, 11 Mr 03
  - p Wis. Justice of peace may in certain cases call in another justice. Amending S. '98 §3586. 346, 20 My 03
  - q Wy. Providing offices for justices of peace in precincts of 2000. 36, 18 F 03
- 655                      **Municipal and police courts**
- a Col. Creating police courts and providing for appointment of magistrates in cities of 25,000 to 50,000. 150, 11 Ap 03
  - b Ga. Clerks of city courts may appoint deputies. p.106, 10 D 02
  - c Id. Council of cities of 1000 to 15,000 may provide that city clerk be ex officio police judge. Amending '99 p.192 §6, 8. p.187, 10 Mr 03
  - d Mon. Amending P. C. §4911 relating to jurisdiction of police courts. 16, 24 F 03
  - e N. Y. City judge or judge of Municipal Court in cities of 50,000 to 250,000 to perform duties of police justice in case of absence or of vacancy in office of latter. Amending '98 ch.182 §377. 19, 6 Mr 03
  - f Wash. Amending '99 ch.85 §3 relative to powers of police judge in cities over 20,000: may forfeit bail; appoint clerk; penalty for violation of criminal ordinance. 30, 4 Mr 03

## CIVIL LAW ADMINISTRATION OF JUSTICE

657

657

**Court officers**For officer of special court *see* above under that head

- a **N. Y.** Amending C. C. P. §97-99 relating to attendance of court officers during term of court. 517, 9 My 03

659

**Fees (general)**

- a **Ct.** Amending G. S. '02 §4860 fixing fee for issuing mittimus at \$1 [formerly 25c]. 28, 14 Ap 03
- b **Ind.** Providing for compensation of sheriffs and clerks of Circuit Court whose fees are less than their legal salaries. Amending '95 ch.145 §126. 67, 3 Mr 03
- c **Neb.** County commissioners to allow fees for arrest and examination of offenders charged with felony [formerly and misdemeanor]. Amending C. S. '01 §2274. 33, 8 Ap 03
- d **Tex.** Fixing fees of county clerks, sheriffs, and attorneys and jurors in lunacy cases and of county attorneys in prosecutions for violation of local option laws. 83, 31 Mr 03
- e **Tex.** Amending Crim. P. art.1092 as to fees of sheriffs and constables. 142, 1 Ap 03

661

**Bailiff**

- a **Ga.** Special criminal bailiffs to receive same fees as sheriffs in cases tried in Superior or City Courts. p.100, 17 D 02

663

**Constable**

- a **Ark.** Amending S. '94 §3328 as to fees of constables for summoning witnesses. 32, 24 F 03
- b **Cal.** Amending '91 ch.277 §56 relating to number and appointment of constables. 118, 12 Mr 03
- c **S. C.** Relating to location, jurisdiction and salaries of constables in certain counties. 22, 16 Mr 03
- d **Vt.** Amending S. '94 §1068, 1070 authorizing constables to serve civil or criminal process anywhere *within state* [formerly process could be served outside of town only on vote of town]. 40, 21 N 02

**Interpreter**

- Ari.** Interpreters in criminal cases to receive fees not exceeding \$2.50 a day in justice court, and \$5 in district court. 91, 19 Mr 03

**Notary public**

**Cal.** Authorizing notaries public to punish witnesses for contempt. C. C. P. §1991. *Unconstitutional*. Confers judicial powers on administrative officer. *Burns v. Superior Court of City and County of San Francisco*, 73 P.597.

**Cal.** Amending P. C. §800 relating to official bond and oath of notary public. 172, 18 Mr 03

**Fla.** Notaries public to add date of expiration of commission to acknowledgments; official act after expiration of commission a misdemeanor. 113, 28 My 03

- d **Kan.** Notary public appointed in city or town situated in more than one county may exercise authority in either county. Amending '01 ch. 126. 373, 1
- e **Mich.** Notaries public to affix to instruments date of expiration of commissions. 18, 1
- f **Minn.** Notary public residing in newly created county from a county to have same powers in new portion as in old county till expiration of commission. 177, 1
- g **Nev.** Providing for appointment and term of office of notary public. 85, 1
- h **N. C.** Amending C. §3749 and repealing '95 ch. 296 relating to notaries' fees. 734, 1
- i **N. D.** Notary public may *not* have date of expiration of commission engraved on seal. Amending '01 ch. 126. 126, 1
- j **Pa.** Stockholder, director or clerk of bank may be notary public but may not act as such for bank of which he is stockholder or employee. Supplementing P. & L. Digest '94 p. 3238. 53, 1
- k **Tex.** Governor to appoint *not more than 6* notaries public in each county [formerly 1] for unorganized counties. Amending R. C. S. art. 102, 1
- l **U.** Clerk of District Court to keep record of persons in possession of holding notarial commissions. 109, 1
- m **Va.** Amending '94 ch. 542 authorizing notary public to take stock in company to take acknowledgments of deeds executed for or for company. 303, 1

671 **Clerks of courts**

- a **Or.** Restricting provisions of Ann. C. & S. §1087 relating to fees of clerks of County and Circuit Courts *to counties and* p. 314

675 **Public prosecutor**

*See also Attorney general, 53*

- a **Kan.** In criminal prosecution in counties under 10,000 population to appoint assistant attorneys on application of prosecuting attorney. 66, 1
- b **Tex.** Amending Crim. P. art. 1132 relating to fees of district county attorney. 134, 1
- c **Va.** Attorneys for commonwealth to prosecute crimes arising from execution of United States revenue laws from state to federal court: compensation. 67, 1
- d **Wash.** Prosecuting attorney may, *with consent of county commissioners*, appoint deputies with same qualifications as [formerly district] attorneys. Amending '91 ch. 55 §6. 7, 1

677 **County attorney**

- a **Kan.** Providing for appointment of stenographer of county attorney in counties over 45,000 [formerly 50,000]. Amending ch. 134. 201, 1
- b **Minn.** County attorneys receiving salary of \$700 to attend to misdemeanors before justices of peace when requested to receive additional salary of \$500. 114, 1

## CIVIL LAW ADMINISTRATION OF JUSTICE

677

- c **Minn.** In counties under 75,000 county commissioners may allow claims of county attorney for necessary expenses. 264, 18 Ap 03
  - d **Neb.** Amending C. S. '01 §602, 604 relating to county attorneys: to be appointed by county board in counties under 2000 [formerly 3000]; salary. 7, 8 Ap 03
- 679 **District attorney**
- a **Ari.** District attorney must have been admitted to practise law in courts of territory. 77, 19 Mr 03
  - b **Col.** Salaries of deputies of district attorneys not exceeding \$2000 [formerly \$1500] to be fixed by *judges of District Court* [formerly county commissioners]. Amending Sup. '96 §1936j. 101, 9 Ap 03
  - c **Col.** Fixing fees of district attorneys in counties of 1st and 2d class. Amending Sup. '96 §1873. 109, 9 Ap 03
  - d **N. M.** Amending C. L. '97 §2574, 2577 relating to district attorneys: compensation; districts. 46, 12 Mr; 104, 19 Mr 03
  - e **Or.** Amending Ann. C. & S. §2504 requiring district attorneys to advise county officers on legal questions. p.179, 24 F 03
  - f **Pa.** District attorneys in counties of 150,000 to 500,000 may appoint assistants. 127, 11 Ap 03
  - g **U.** County commissioners may require district attorney to assist in civil case in which county is interested. Amending '01 ch.69 §1. 75, 12 Mr 03
  - h **Wis.** County board of supervisors to allow traveling expenses to district attorney. Amending S. '98 §751. 134, 28 Ap 03
  - i **Wis.** Circuit Court may appoint counsel to aid district attorneys in prosecutions before grand jury and on indictments found by same. Amending S. '98 §750. 283, 15 My 03

687 **State's attorney**

- a **Ill.** Prohibiting state's attorney from receiving private fees for public service or for serving in certain civil cases. Adding §6a to R. S. '01 ch.14. p.85, 15 My 03
- b **Ill.** State's attorneys' salaries: in counties less than 20,000, salary \$2000 allowed in lieu of fees and commissions, in counties of 20,000 to 70,000, \$5000; disposition of fines and forfeitures; submission of act to county. Supplementing R. S. '01 ch.53 §8. p.200, 15 My 03
- c **N. D.** District Court may appoint state's attorneys for unorganized county or territory. Amending R. C. '99 §1986. 179, 13 Mr 03
- d **N. D.** Assistant state's attorney to have same power and perform same duties as state's attorney. Amending R. C. '99 §1987. 180, 10 Mr 03

## 691

**Sheriff**

- a **Ark.** Employers to give names of employees to sheriff when demanded; penalty. 142, 10 Ap 03
- b **Ct.** Amending G. S. '02 §1763 as to responsibility of sheriffs for acts of deputies. 57, 29 Ap 03

## N. Y. STATE LIBRARY SUMMARY OF LEGISLATION 1903

- c **Ct.** Amending G. S. '02 §1758, 1768 relating to bond of sheriff. 66, 6 My; 67, 6 My
- d **Ct.** Sheriffs in case of riot may appoint special deputies; power. 174, 11 J
- e **Mich.** Amending C. L. '97 §11222 relating to sheriff's fees. 181, 4 J
- f **Minn.** County commissioners may construct sheriff's residence adjoining jail. Amending title of '93 ch.157 and §1, 26. 198, 14 Ap 03
- g **Minn.** Amending S. '94 §5550 relative to fees of sheriff. 294, 20 Ap 03
- h **N. C.** Amending C. §3315 subdiv.35 relating to form of sheriff's oath. 604, 9 Mr 03
- i **N. D.** Amending R. C. '99 §2082 as to sheriff's mileage and fees for attending court. 178, 12 Mr 03
- j **Tex.** Misdemeanor for sheriff to appoint more deputies than law provides. 105, 2 Ap 03
- k **Wy.** Allowing sheriff 60c [formerly 50c] a day for boarding prisoner in jail; \$25 monthly rent allowance, no residence being furnished. Amending R. S. '99 §1129. 56, 20 F 03

693

## Special commissioners

- a **Me.** Women may be appointed for term of 7 years to solemnize marriage, administer oaths, and take acknowledgment of deeds. 104, 18 Mr 03
- b **Minn.** United States commissioners appointed by District Court of United States to have certain notarial powers. Amending S. '94 §5638. 44, 7 Mr 03
- c **N. H.** Court may allow court commissioners fees in case of reference made compulsory by law. 41, 3 Mr 03
- d **N. J.** Amending '98 ch.238 §26 fixing number of commissioners of deeds to be appointed in cities. 17, 5 Mr 03
- e **Pa.** Governor may appoint women to office of commissioner to take acknowledgment of deeds and instruments. 84, 27 Mr 03
- f **Wis.** Defining conditions under which court commissioner is disqualified; penalty. Adding §2582a to S. '98. 204, 11 My 03
- g **Wis.** Courts with 2 or more circuit judges may appoint not to exceed 10 court commissioners. Amending S. '98 §2433. 398, 21 My 03

694

## Stenographers. Reporters

- a **Cal.** Amending C. C. P. §269, 273 and 274 relating to duties and fees of official court reporters. 200, 19 Mr 03
- b **Ct.** Judge of Superior Court sitting in chambers, or state referee may call on official stenographer of county or district to take evidence; pay and fees. 146, 9 Je 03
- c **Ct.** Allowing \$500 for traveling expenses to reporter of judicial decisions. Amending G. S. '02 §4820. 151, 9 Je 03

## CIVIL LAW ADMINISTRATION OF JUSTICE

694-99

**Ill.** County judges may appoint reporters in counties of 200,000 or less; duties; fees. p.149, 14 My 03

**Minn.** Providing for compensation of shorthand reporter of proceedings against county officer before commissioners appointed by governor. Amending S. '94 §897. 282, 18 Ap 03

**Mo.** Stenographer of Circuit or Criminal Court in counties under 45,000 to be allowed actual expenses. Adding §10128a to R. S. '99. p.270, 17 Ap 03

**N. Y.** Court stenographer may not be interested in printing or preparation of cases; penalty, forfeiture of office. Amending C. C. P. §82. 467, 7 My 03

**R. I.** Amending G. L. ch.225 §17, 18 relative to stenographic clerks. 1111, 17 Ap 03

**Vt.** Amending S. '94 §1021 providing that stenographic reporter may be employed *in vacation* by county chancellor or judge. 37, 9 D 02

**Wis.** County judge may appoint phonographic reporter to take testimony in contested matters; pay; transcript of testimony. 147, 2 My 03

## Civil procedure

Including such provisions as apply to *both* civil and criminal cases

**Ind.** Procedure in civil cases: instructions to jury; motions; appeals; bill of exceptions; transcript of record; review of evidence by Supreme and Appellate Courts. 193, 9 Mr 03

**Mo.** Amending R. S. '99 §995, 997 relating to suits against corporations: service of summons; suit against railroad corporation may be commenced in county where cause of action accrued *or any county through which railroad runs*. p.115, 23 Mr 03

**N. J.** Relative to reviving of suits dismissed because of failure to file pleading, *affidavit or notice*. Amending '95 ch.355 §1. 91, 26 Mr 03

**N. J.** Revision of laws regulating practice of courts. 66p. 247, 14 Ap 03

## Legal notices

**Minn.** Legal newspapers must have been admitted as second class mail matter for at least 1 year. Supplementing '93 ch.33. 322, 21 Ap 03

**Tenn.** Amending '01 ch.136 §7 providing for legal notice to non-residents. 70, 14 Mr 03

**Wis.** Amending '99 ch.319 relating to necessary qualifications of dailies publishing legal notices. 78, 20 Ap 03

## Commencement of action

**Kan.** Relating to venue in actions to compel specific performance of contract for sale of land; procedure where defendant is non-resident or absent. 384, 11 Mr 03



- b S. D. Action may be brought to determine adverse money or property or to satisfy debt for which plaintiff 118,

700

**Complaint**

- a N. D. Copy of complaint not served with summons to with clerk of District Court in county where action is commenced 30 [formerly 20 days]. Amending R. C. '99 §5249. 3,

701

**Limitation**

- a Ari. Action on liability other than penalty or forfeiture relief on ground of fraud or mistake to be commenced year. Adding subdiv.4-5 to R. S. '01 §2949. 16,
- b Cal. Persons prevented by minority, insanity or impr from commencing action for recovery of real property r mence action within five years after disability ceases *provi of disability does not exceed 20 years*. Amending C. C. P. 160,
- c Ct. Amending G. S. '02 §1119 limiting actions for injur son or property to 1 year. 14
- d Ct. Amending G. S. §1094, 1131 relating to civil actions action not lost by death of party; exceptions; continuance by executor; action for injury resulting in death *limited* 193
- e Id. Action may be brought within 2 years to recover for death *or injury* caused by wrongful act *or neglect* of Amending R. S. '87 §4055. p.50
- f Me. Amending R. S. '83 ch.81 §92, ch.87 §12 relative to li of actions by and against executors and administrators: be brought within 18 months. 198,
- g Mon. Amending C. C. P. §513-14, 524 relating to lim actions. Repealing '01 p.157. 128
- h N. M. Time during which debtor is absent from *or within* territory not to be included in computing period tion of action. Amending C. L. '97 §2921. 62,
- i N. D. Action for foreclosure of mechanics lien to be co within 6 years. Adding subdiv.7 to R. C. '99 §5201. 2,
- j Or. Amending Ann. C. & S. §13 relating to limit actions in courts of record; actions brought by state, c public corporations excepted. p.1
- k Pa. Actions for recovery of penalties for violation health law to be commenced within 60 days. 179,
- l Wash. No limitation to actions brought by or for state or claim of right against state based on lapse of time ing Ann. C. & S. '97 §4708. 24
- m W. Va. Fixing 3 year limitation to recover land leased other minerals. 61, 25 Mr 73. *Unconstitutional*. Subjec cluded in title. *McNeeley v. South Penn Oil Co.*, 44

## CIVIL LAW ADMINISTRATION OF JUSTICE

702-1

**Parties**

- a Id.** Procedure in making unknown owners, heirs or devisees parties in actions. p.370, 6 Mr 03

**Place of action. Jurisdiction***See also special courts, 604-55*

- a Ark.** Chancery Courts given concurrent jurisdiction with Circuit Courts in removal of disabilities of minority. 143, 15 Ap 03
- b Fla.** Suits against corporations may be commenced in county or justice's district *where cause of action accrued, or property in litigation is located.* Amending R. S. '92 §1001. 116, 22 My 03
- c Ga.** Minor amendment to C. '95 §2145 relative to venue of suits against insurance companies. p.53, 17 D 02
- d Kan.** Amending G. S. '01 §4480-85 and repealing §1326 relating to venue in certain cases against common carrier. 379, 6 F 03
- e N. D.** Amending R. C. '99 §6633 relative to venue of actions in Justice Court. 4, 4 F 03
- f R. I.** Submitting amendment to Constitution art.10 §2, 3 relative to jurisdiction of Supreme and Inferior Courts. Repealing art.14 §3. *Adopted November 1903.* 1089, 24 F 03
- g Tex.** Suits to forfeit charter or permit of corporation or restrain corporation from doing unauthorized acts may be instituted in county where capitol is located. 92, 31 Mr 03
- h U.** Judge's chambers to be coextensive with district and at any place where he will act; entry of judgments. Amending R. S. '98 §687-82. 63, 12 Mr 03
- i U.** Amending '01 ch.19 relating to place of trial of transitory civil actions arising outside of state in favor of *residents or non-residents.* 92, 12 Mr 03
- k Wis.** Amending S. '98 §925 subdiv.269 relating to jurisdiction of justices etc. in city located in 2 counties. 102, 24 Ap 03

**Summons. Process**

- a Ark.** Service on secretary or president of mutual insurance companies sufficient notice in actions against such companies. 105, 27 Mr 03
- b Kan.** Service on foreign corporation having no place of business in state may be had by delivery of copy of summons to employee of corporation in any county. 381, 10 Mr 03
- c Kan.** Providing for service by publication in actions relating to real property where plaintiff can not ascertain whether defendant is alive. 385, 13 Mr 03
- d Kan.** Amending G. S. '01 §4512 relating to service on unknown heirs or devisees. 386, 11 Mr 03
- e Minn.** Providing service of process on nonresidents; where he owns business in state, may be made on agent. 278, 13 Ap 01. *Unconstitutional as to service on agent. Not due process of law. Cabanne v. Graf, 92 N. W. 461.*

## N. Y. STATE LIBRARY SUMMARY OF LEGISLATION 1903

- f **Minn.** Service may be had by publication when defendant on whose property plaintiff has acquired lien by attachment or garnishment can not be found in state. Amending S. '94 §5204 subdiv.2. 341, 21 Ap 03
- g **Minn.** Amending S. '94 §6111-13 relative to service of summons on complaint of forcible entry into lands or tenements. 373, 21 Ap 03
- h **Mo.** Justice of the peace may depute suitable person to serve summons if officer can not be had in time *or constable is interested in result of suit*. Amending R. S. '99 §3863. p.212, 24 Mr 03
- i **Mon.** Amending C. C. P. §1510 relating to service of summons issued from justices courts. 61, 4 Mr 03
- j **N. Y.** Personal service of summons on foreign corporation may be made in the state by delivering copy to president, *vice president*, treasurer, *assistant treasurer*, secretary or *assistant secretary*. Amending C. C. P. §432. 311, 5 My 03
- k **N. C.** Amending C. §219 relative to service of summons by publication: time of notice shortened to 4 [formerly 6] weeks. 134, 17 F 03
- l **N. C.** Regulating service of process by publication. 169, 23 F 03
- m **Pa.** Amending '01 ch.310 as to service on company having no office in county where cause of action arose. 101, 3 Ap 03
- n **Pa.** Amending '01 ch.310 relating to service of certain writs on filing of *affidavit by plaintiff or person in his behalf*; proviso. 195, 23 Ap 03
- p **S. D.** Providing for service of summons by publication in actions against domestic corporations that have ceased business and have no office in state; procedure. 119, 11 Mr 03
- q **Tenn.** Misdemeanor for sheriff, deputy or constable to refuse to execute process issued by any court of county; fine and forfeiture. 31, 6 F 03
- r **Tenn.** Providing for service of process on nonresidents qualified as executors or administrators. 501, 1 Ap 03
- s **Tex.** Amending R. C. S. art.1222 relating to service of citation in suits against corporation. 47, 21 Mr 03
- t **Tex.** Sheriffs, deputy sheriffs *and constables* to indorse on process and precepts time and place of service and distance traveled in serving. Amending R. C. S. art.4905. 58, 25 Mr 03
- u **U.** Executions, writs and process to be served by sheriff. 61, 12 Mr 03
- v **Wash.** Amending Ann. C. & S. '97 §6546-48 relating to service of process and papers issued by justices of peace. 19, 26 F 03
- w **Wash.** Providing for service by publication on unknown heirs in actions relating to real property. 144, 16 Mr 03
- x **W. Va.** Process or notice may be served against officer or agent of corporation in county where property is situated or where cause of action arose. Amending C. ch.50 §34. 9, 28 F 03

## CIVIL LAW ADMINISTRATION OF JUSTICE

705-1

**W. Va.** Process served against *corporations* [formerly railroad, canal, turnpike, telegraph and insurance corporations] to be directed to officer of county other than that where action is brought. Amending C. ch.124 §2. 11, 26 F 03

**Wis.** Amending S. '98 §3594 relating to issuance and form of process by justices of peace. 20, 19 Mr 03

**Wis.** Amending S. '98 §2637 subdiv.10 regulating service of process on certain corporations having no agent within state. Repealing §1775b. 190, 11 My 03

## Trial. Pleadings

## General and miscellaneous

**Kan.** Amending G. S. '01 §5034 relating to case-made: service on adverse parties; amendment. 380, 13 Mr 03

**Me.** Justice of Supreme Judicial Court *in term time or vacation*, may require attorney to show cause for nonpayment of money collected. Amending R. S. '83 ch.79 §27-30. 16, 24 F 03

**Mon.** Amending C. C. P. §1897 relating to extension of time for performance of certain acts without consent of adverse party. 27, 24 F 03

**N. J.** Plaintiff suing corporation need not prove incorporation unless defendant denies it. Supplementing '98 ch.228. 85, 26 Mr 03

**N. J.** Existence of corporation to be assumed in judicial proceedings. Supplementing '96 ch.185. 226, 8 Ap 03

**N. C.** Judges of Superior Court may regulate and limit argument of counsel except in capital crimes. Repealing C. §30. 433, 4 Mr 03

**N. D.** Actions brought in court of record but neglected 5 years to be dismissed. 5, 9 Mr 03

**Pa.** Plaintiff in civil suit may not suffer voluntary nonsuit after jury has agreed on verdict and sealed it unless nonsuit is specially allowed by court. 158, 16 Ap 03

**Tenn.** Regulating proceedings in cases remanded to state court subsequent to removal to federal court. 17, 6 F 03

**Tenn.** Minor amendment to C. 5561 relating to actions brought on accounts from another county or state. 33, 4 F 03

**Tenn.** Regulating practice of Circuit Court in cases tried without jury; appeals. 441, 15 Ap 03

**Wis.** Parties to civil actions and proceedings in courts of record may inspect property of opposing parties in litigation before trial. 119, 24 Ap 03

**Wy.** Legal papers to be filed in civil actions; party filing same to deposit as many copies as opposing parties, not exceeding three. 18, 17 F 03

## Change of venue or judge

**Ari.** District judge at chambers may substitute for judge of other judicial district in case of absence. Amending R. S. '01 §1229. 9, 10 Mr 03

- b Ari. Defendant may have *but one* change of venue in proceedings in Justices Court. Amending Pen. C. §1187. 24, 17 Mr 03
- c Col. Amending Ann. S. '91 §2663 relative to change of venue in civil proceedings; proviso in cases of forcible detainer and disqualification. 133, 13 Ap 03
- d Col. Party may petition for change of venue in case judge is related to counsel of adverse party. Amending C. C. P. §30. 179, 10 Ap 03
- e Col. Relating to change of venue in proceedings for appointment of receiver for certain corporations. 180, 11 Ap 03
- f Ct. Trial of action pending before justice of peace, in case of death or disqualification; procedure. 42, 23 Ap 03
- g Ind. If change of venue is taken from judge of Circuit or Superior Court and special judge fails to qualify, governor to appoint special judge. 195, 9 Mr 03
- h Mich. Amending C. P. '97 §10006-10 relating to transfer of causes from one Circuit Court to another. 211, 16 Je 03
- i Mich. Amending C. L. '97 §1109 prohibiting circuit judge to sit in case when related within third degree to counsel of either party. 245, 18 Je 03
- j Minn. Amending '95 ch.28 relative to change of venue of civil actions brought in wrong county. 345, 21 Ap 03
- k Mon. Directing Supreme Court to substitute another district judge, on petition, where impartial trial can not be had. 42, 2 Mr 03  
Unconstitutional. Attempt to extend jurisdiction of Supreme Court. In re Weston, 72 P. 512
- m N. Y. Judge of Court of Appeals or justice of appellate division of Supreme Court may take part in decision of action brought by or against insurance company in which he holds policy. Amending C. C. P. §46. 216, 24 Ap 03
- n U. In civil cases where change of venue is granted, costs payable by county to be refunded to county where case is tried. 44, 9 Mr 03

711 Equity causes

- a N. C. Defendant in special proceedings before Superior Court may plead equitable defense or ask for equitable relief; transfer of cause. 566, 9 Mr 03
- b Tenn. Practice in chancery courts: issues heard at chambers; confirmation of land sales; procedure. 248, 15 Ap 03
- c Va. Amending C. §3427, '02 ch.616 relating to decision of chancery causes in vacation in Circuit or Corporation Court. 81, 7 Mr 03

712 Pleadings. Motions

- a Or. Amending Ann. C. & S. §73, 77 relative to form of denials to be used in pleadings in civil actions. p.204, 24 F 03
- b S. C. Amending C. C. P. §169 requiring 5 days' notice of demurrers. 88, 2 Mr 03

## CIVIL LAW ADMINISTRATION OF JUSTICE

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- c **Tex.** Judge of District or County Court may grant 20 days after adjournment of term for filing statement of facts or bill of exceptions. 25, 28 F 03
- d **U.** Amending R. S. '98 §2980 relating to occasion for and form of reply to counterclaim. 129, 23 Mr 03
- e **W. Va.** Amending C. ch.125 §16 relative to plea of abatement in matters of jurisdiction; verification. 10, 21 F 03

3 **Preference**

- a **Ari.** Amending R. S. '01 §1388 relating to order of trial of causes: demurrers, pleas of abatement, etc. 63, 19 Mr 03
- b **Cal.** Appeals in probate proceedings *and contested election cases* to be given precedence in Supreme Court after cases in which state is party. Amending C. C. P. §57. 62, 2 Mr 03
- c **Cal.** Courts to give preference over all other civil actions to actions in eminent domain. Adding §1264 to C. C. P. 150, 16 Mr 03

6 **Evidence. Witnesses**7 **General and miscellaneous**

- a **N. H.** In proceedings against domestic corporation, nonresident director or officer may be required to testify or give deposition. 37, 26 F 03
- b **N. J.** Amending '00 ch.150 §48 providing that stenographic record be taken of testimony of witness *de bene esse*; proviso. 135, 7 Ap 03
- c **N. Y.** Official record of admission made by person while member of corporation and testifying as witness concerning transaction of corporation may be received as evidence against corporation. Amending C. C. P. §839. 384, 6 My 03
- d **N. D.** Relating to examination of parties in civil proceedings in certain cases. 98, 10 Mr 03
- e **S. C.** Establishing mortuary table to be received as evidence in courts along with evidence as to health, constitution and habits whenever it is necessary to establish expectancy of continued life of any person. Adding 2908a to C. C. 61, 16 F 03

8 **Attendance and fees of witnesses**

- a **Fla.** Witnesses for state in courts of county judges and justices to be paid \$1 a day and mileage. 5, 15 My 03
- b **Fla.** Compensation of witness summoned in 2 or more cases *before same court* at same time. Amending R. S. '92 §2865. 28, 3 Je 03
- c **Mon.** Amending P. C. §4644, 4646, 4652-53 relating to fees and mileage of witnesses. 48, 3 Mr 03
- d **Tenn.** Amending C. §5622 regulating witnesses fees in civil cases. 100, 11 Mr 03

- e **Tex.** Witness subpoenaed to appear before court or outside of county to receive \$1 a day and traveling. Amending Crim. P. art.1093. 141
- f **Vt.** Amending S. '94 §1920 increasing fine for failure to testify.
- g **Va.** Witnesses must present claims within 2 years payment. 99,
- h **Wash.** Amending '01 ch.101 prohibiting payment of wages to public officers; proviso. 1

719 **Books. Papers. Laws**

- a **Fla.** Certified copy of record to be received as evidence in establishment proceedings.
- b **Vt.** Public records of birth, marriage or death to be evidence only as to fact of birth, marriage or death. 4

720 **Competence. Forms etc.**

- a **Ark.** Husband and wife may testify against each other if either has injured other. 81,
- b **Ind.** Fixing competency of witnesses in suits relating to unsound mind under guardianship. 3
- c **Me.** In actions brought by legal representative of decedent, same not to be excused from testifying if required by opposite party; proviso. Amending R. S. '83 ch.82, §98. 111,
- d **Mich.** Amending C. L. '97 §10212, '01 ch.239 as to competency of witnesses in certain cases. 30
- e **Minn.** Husband or wife may testify for or against other without latter's consent in actions for abandonment and neglect in proceedings supplementary to execution. Amending S. 227,
- f **Or.** Amending Ann. C. and G. L. '92 §711 relating to competency of witnesses. p.134, 21 F 93. *Unconstitutional.* S. included in title. Hearn v. Louttit,
- g **R. I.** Husband or wife not competent witness in trials involving property rights. Amending G. L. ch.244 §37. 1110,
- h **S. D.** Convict in penitentiary may be witness unless convicted of perjury or subornation. Amending Pen. C. '03 §803. 122

721 **Depositions. Affidavits**

- a **Cal.** Deposition of nonresident witness on oral interview. Adding §2025½ to C. C. P. 255,
- b **Col.** Amending C. C. P. §349-50 relative to taking depositions without state: proviso regarding oral examination; procedure. 101
- c **N. H.** Providing for taking depositions for use in trial and for taking depositions outside state 2

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- d N. M.** Relating to depositions. Amending C. L. '97 §3041, 3043 and '01 ch.82 §7. 122, 19 Mr 03
- e N. C.** Repealing '95 ch.312 and reenacting C. §1361 as to depositions. 132, 17 F 03
- f N. C.** Defining procedure for taking depositions to be used in suits pending without state. 608, 9 Mr 03

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## Oaths

- a Del.** Kissing Bible in administration of oath not required. 456, 7 Ap 03
- b Wis.** Repealing S. '98 §4082-83 allowing other than usual mode of swearing; and amending §4084 relative to affirmations. 151, 2 My 03

725

## Jury. Verdict

726

## General and miscellaneous

- a Ark.** Insurance policy holders may not be deprived of right of trial by jury on any question of fact arising under policy. 111, 3 Ap 03
- b Ct.** Amending G. S. '02 §666 relating to time and term of jury duty. 150, 9 Je 03
- c Ind.** Amending R. S. '81 §525 concerning trial by jury. 160, 9 Mr 91. *Unconstitutional*. Fails to set forth at length section amended. *Mankin v. Pennsylvania Co.*, 67 N. E. 229.
- d N. J.** Amending '98 ch.228 §149 relative to demand for trial by jury: requiring 2 days' [formerly 1] notice and payment of costs of venire. 235, 8 Ap 03
- e N. D.** Amending R. C. '99 §5630 relative to trial without jury. 201, 13 Mr 03
- f Pa.** Referring to next Legislature amendment to Constitution art.1 §10: discharge of jury for failure to agree or other necessary cause shall not work acquittal. *Not repassed by Legislature of 1903*. p.883, '01
- g Tex.** Judge *shall* [formerly may] deliver *written* charge to jury *unless expressly waived by parties to suit*. Amending R. C. S. art.1316. 39, 13 Mr 03
- h Va.** Amending C. §3139 relating to jurors: qualifications and exemptions to remain same as for electors prior to adoption of Constitution of 1902, i. e. male citizens, 21 to 60 years, resident of state 1 year, of county, city or town 3 months, excluding idiots, lunatics and persons convicted of designated crimes. 8, 28 Jl 02
- i Wash.** In civil cases triable by jury in Superior Court either party may elect to have jury and deposit \$12 with clerk; failure to do so to be deemed waiver of jury trial. Repealing Ann. C. & S. '97 §5028. 43, 6 Mr 03
- j Wash.** In civil actions charge or instruction to jury shall, if taken down by stenographic reporter, be deemed written charge or instruction. Amending Ann. C. & S. '97 §4993. 81, 12 Mr 03



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**Exemptions**

- a **Kan.** Exempting registered and assistant pharmacists from jury duty. Amending G. S. '01 §3810. 342, 11 Mr 03
- b **Nev.** Teachers exempt from jury duty during school session. 81, 14 Mr 03
- c **N. H.** Removing exemption from jury service of firemen in towns under 2500. Amending P. S. ch.209 §3. 23, 24 F 03
- d **R. I.** Amending G. L. '96 ch.227 §3 exempting persons in service of United States and locomotive, stationary and marine engineers from jury duty. 1063, 12 D 02
- e **R. I.** Licensed undertakers exempted from jury service. Supplementing '96 ch.227 §3. 1093, 3 Ap 03
- f **Tenn.** Registered pharmacists to be exempted from jury duty. Amending C. §5816. 38, 6 F 03
- g **Va.** Person over 60 not to be compelled to serve as juror. Amending C. §3139, '02 (ex. sess.) ch.8. 195, 5 My 03

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**Fees and mileage**

- a **Fla.** Jurors for state in courts of county judge and justices to be paid \$1 a day and mileage. 5, 15 My 03
- b **Mass.** Amending R. L. ch.204 §17 as to payment of jurors. 256, 13 Ap 03
- c **Mon.** Amending P. C. §4644, 4646, 4652-53 relating to fees and mileage of jurors. 48, 3 Mr 03
- d **N. D.** Juror to receive \$3 [formerly \$2] for each day's attendance in District Court. Amending R. C. '99 §2096. 117, 9 F 03
- e **Okl.** Jurors in district courts to receive \$2 [formerly \$1] a day. Amending S. '03 §3040. 14 art.2, 27 F 03
- f **Wis.** Grand and petit jurors and talesmen to receive \$3 [formerly \$2] a day. Amending S. '98 §2561-62. 126, 25 Ap 03

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**Jury commissioners**

- a **O.** Reenacting R. S. '00 §5163-67 relative to appointment of jury commissioners; law extended to all counties [formerly 5 excepted]; penalty for taking bribe by commissioner. p.3, 30 S 02
- b **Pa.** Jury commissioners with consent of county commissioners may appoint clerk and fix salary. Supplementing P. & L. Digest '94 p.2497. 126, 11 Ap 03

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**Qualifications. Drawing. Impaneling**

- a **Ct.** State's attorney on notice from clerk of Superior Court to take action in case of towns failing to send in jury lists. 77, 11 My 03
- b **Fla.** Circuit judge to draw 36 [formerly 30] names of jurors. 18 [formerly 12] to be petit jurors for first week of term. Amending '93 ch.8 §5. 22, '03
- c **Ga.** Grand or traverse jurors at any session of superior, county or city court ineligible for next succeeding term; proviso. p.83, 15 Ag 03

## CIVIL LAW ADMINISTRATION OF JUSTICE

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- d Kan.** Person who has served as juror may not be summoned as juror in the same court within 6 months. 341, 7 Mr 03
- e N. J.** Amending '98 ch.237 §82 relative to selection of panel in case 48 or more jurors are to be drawn. 164, 8 Ap 03
- f N. J.** Providing for selection of biweekly panels of jurors in counties of 150,000 [formerly 200,000]. Amending '97 ch.90 §1. 253, 14 Ap 03
- g N. M.** Amending '99 ch.66 relative to selection of grand and petit jurors. 112, 19 Mr 03
- h N. Y.** In action where city, town or county is a party, it is not good cause of challenge that juror is *resident and* pays taxes. Amending C. C. P. §1179. 294, 27 Ap 03
- i S. D.** *County commissioners* [formerly municipal officers] to select jury; provisos. Amending P. C. '03 §711, 713-15. 169, 4 Mr 03
- j S. D.** Sheriffs may not be solicited to summon particular jurors: penalty. 170, 4 Mr 03
- k S. D.** Challenge for cause or bias may be taken against juror for having applied for summons. Amending C. C. P. '03 §252, 339. 171, 12 Mr; 172, 11 Mr 03
- l Tex.** Requisite number of jurors who have paid poll taxes not being found in county, judge may dispense with requirement. Amending R. C. S. art.3139, Pen. C. art.378, 393-94, 668, 673. ex. sess. 9, 1 My 03
- m Wy.** Male citizens, 21 to 65 [formerly 60], resident of state 1 year, and county 90 days liable to jury service. Amending R. S. '99 §3340. 4, 11 F 03

## Verdicts

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- a Wis.** Court on request of either party *before introduction of testimony on his behalf* may direct jury to find special verdict. Amending S. '98 §2858. 390, 21 My 03
- b Wy.** Minor amendment to R. S. '99 §3368 relative to disposition of ballots on discharge of jury. 65, 20 F 03

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## Appeals. Review

- a Ct.** Amending G. S. '02 §491 as to fees for transmission of records in cases appealed to Supreme Court of Errors. 94, 15 My 03
- b Fla.** Providing for writs of error returnable to Supreme Court. 36, 15 My 01. *Unconstitutional* as to habeas corpus proceedings. No provision in Constitution for appeal in such cases. Ex parte Cox, 33 S. 509.
- c Id.** Regulating appeals from Probate Court to District Court. p.372, 11 Mr 03
- d Ind.** Civil cases involving less than \$50 can not be appealed to Supreme or Appellate Court; exception in case of misdemeanor. Amending '01 ch.247 §6-7. 156, 9 Mr 03
- e Mon.** Providing for settlement of bills of exception and review by Supreme Court on appeal. 34, 26 F 03

- f Neb. In appeals from District Court to Supreme Court in *sale* in equity in which appellant asks for review of findings of fact, Supreme Court to retry issues of fact. 125, 10 Ap 03
- g Neb. Amending C. S. '01 §6287 as to bond of appellant in appeal from order of confirmation of sale to Supreme Court. 126, 10 Ap 03
- h Neb. Amending C. S. '01 §6534 relative to pleadings in District Court on appeal from County Court or justice of peace. 127, 20 Mr 03
- i N. M. Repealing '01 ch.82, 99 relating to appeals and writs of error. 26, 10 Mr 03
- j N. Y. Decision of court or report of referee on trial of whole issue of fact; court *must* [formerly may] state separately issues of fact and conclusions of law. Amending §1022 and adding §993 to C. C. P. 85, 25 Mr 03
- k O. Amending R. S. '00 §6710, '02 p.569 relative to jurisdiction of Supreme Court in error. p.11, 22 O 02
- l O. Amending R. S. '00 §5227, '02 p.66 as to notice of appeal to Circuit Court. p.12, 22 O 02
- m Pa. No appeal from judgment of justice of peace or alderman unless attorney *at time of taking appeal* makes affidavit in writing that it is to prevent injustice. Amending '97 ch.214. 61, 25 Mr 03
- n R. I. Amending G. L. ch.251 §6 relating to procedure on petition for new trial to appellate division of Supreme Court; filing of statements of evidence; *provisos*. 1111, 17 Ap 03
- p Tenn. Providing in appealed cases for abridgment of transcript of record; procedure. 35, 13 F 03
- q U. Cases involving constitutionality of statute *or city ordinance* may be appealed to Supreme Court; appeal of state and city cases to District Court. Amending '01 ch.109 §18. 52, 11 Mr 03
- r U. Amending '99 ch.62 relating to transmission of papers and certificate of clerk of District Court on appeals to Supreme Court. 134, 23 Mr 03
- s Wy. Amending R. S. '99 §4400 relating to appeals from justice of peace courts: on failure to pay fees to perfect appeal in 15 days after filing transcript, judgment debtor debarred from further right of appeal. 32, 18 F 03

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#### Exceptions

- a Mo. Amending R. S. '99 §866 relating to matters included in bill of exceptions in appeals to Supreme Court, St Louis Court of Appeals or Kansas City Court of Appeals. p.105, 23 F 03
- b O. Amending R. S. '00 §5301-2 as to time of filing bills of exceptions; procedure. p.16, 22 O 02
- c U. Verbal amendment to R. S. '98 §3284 relating to form of bill of exceptions. 40, 6 Mr 03
- d Wis. Amending S. '98 §2869 as to time exceptions may be taken in jury trials. 268, 14 My 03

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**Judgments**

- a **Cal.** Moneys owing to judgment debtor by state or by municipal or other public corporation to be used to cancel such judgment; procedure. 263, 21 Mr 03
- b **Ct.** Conditions under which clerk of court may enter judgment of default. 175, 11 Je 03
- c **Fla.** Submitting amendment to Constitution art.16 §6: *opinion* [formerly decision] of Supreme Court to be filed before judgment takes effect. *Vote November 1904.* p.639, '03
- d **Mich.** Amending C. L. '97 §4865 relating to rate of interest on judgments. 179, 4 Je 03
- e **Minn.** -Relating to docketing of judgments in District Courts in counties over 75,000. 122, 3 Ap 03
- f **N. C.** Amending C. §839 whereby lien acquired by docketing justice's judgment is merged in judgment of Superior Court. 179, 23 F 03
- g **N. C.** Defining procedure for entering proper credits on judgments; act applicable to Superior Court judgments. 558, 6 Mr 03
- h **N. D.** Amending R. C. '99 §5498 as to form of *abstract* [formerly transcript] of judgment filed by justice of peace with clerk of District Court. 115, 4 Mr 03
- i **S. D.** Clerks of Circuit Courts to file judgments and decrees of United States Circuit and District Courts in the state. 117, 11 Mr 03
- j **Wash.** After trial by jury, judgment to be entered *immediately* [formerly within 5 days unless motion for new trial is filed]; if motion for new trial is filed, execution may not be issued till motion is determined. Amending Ann. C. & S. '97 §5115; repealing §5116. 148, 16 Mr 03
- k **Wis.** Amending S. 98 §3659 and adding §3616a relative to judgments rendered in justices' courts. 118, 24 Ap 03

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**Executions. Judicial sales***See also Exemptions from execution, 451*

- a **Cal.** Person, other than judgment debtor, claiming property held under execution, may release such property on filing undertaking with sureties for twice amount of debt; procedure. Adding §710-13½ to C. C. P. 92, 9 Mr 03
- b **Col.** Amending Ann. S. '91 §2538 relative to executions: writ may not bind *personal* property prior to delivery to sheriff; record of time of delivery to be open to inspection. 106, 10 Ap 03
- c **Col.** Party obtaining judgment may have execution directed to any county or counties. Amending Ann. S. '91 §2537. 131, 6 Ap 03
- d **Ga.** Sale of land for partition to be held at *place of public sales* [formerly courthouse]. Amending C. §4793. p.40, 17 Ag 03
- e **Ga.** Clerk of court may amend execution so as to conform to amended judgment. Amending C. '95 §5113. p.55, 5 D 02

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- f **Kan.** Prohibiting resale of property sold under execution; inferior lien. G. S. '01 §4949. *Unconstitutional* as to lien passage of act. Impairs obligation of contract. Shrigley; 71 P. 301.
- g **Me.** Abolishing issue of separate executions for costs; closure commissioners against judgment debtor; costs recovered to be deemed part of original judgment. 194
- h **Mo.** Person holding judgment against person leaving property have execution issued against property; no forms of process emptied. Adding §3235a to R. S. '99. p.195
- i **N. J.** Amending '98 ch.228 §186 relative to confession of judgment and stay of execution in District Court. 12
- j **N. Y.** Execution of judgment for recovery of money; to be stayed without security for more than 30 days on appeal to appellate division of Supreme Court. Amending §1351. 238
- k **N. Y.** Justice issuing warrant of attachment of personal property may, with or without notice, order sale. Amending §2909. 32
- l **N. Y.** Income exceeding \$20 a week to be subject to execution procedure; execution to become continuing levy on not more than 10% of income of debtor. Amending C. C. P. §1391. 46
- m **Or.** When advances of goods or money are made or performed to enable person to carry on undertaking, his personal property is liable to execution on judgment recovered for advances or labor. Adding subdiv. 8 to Ann. C. & S. §22 p.16
- n **Or.** Providing for execution and recording of assignment certificates of sheriff's sales on execution and mortgage foreclosure. p.28
- p **Pa.** Misdemeanor to remove or dispose of property taken at sale under execution. Amending '85 ch.103. 178
- q **Tenn.** Fixing time for issue of execution on judgment by Supreme Court or by Court of Chancery Appeals. 5
- r **Tex.** Amending R. C. S. art.2366 relating to advertisement of real estate under execution, *order of sale or venditioni exponas*. 77
- s **Wash.** Amending '99 ch.53 §3 as to notice of sale of personal property under execution. 179
- t **W. Va.** Amending C. ch.132 §1 relating to judicial sale by special commissioner; final report to court showing findings; proceedings; penalty. 1
- u **Wis.** Appraisal of real estate for sale in county court made after deducting liens and incumbrances; appraisal of whole value of lands and value of liens separately. S. '98 §3913, '01 ch.46. 146, 2 My; 442,

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**Costs. Bonds**

- a **Cal.** Nonresident plaintiff in action *or special proceeding* to give security for costs. Amending C. C. P. §1036-37. 165, 18 Mr 03
- b **Mich.** Unnecessary for state to file bonds in suits wherein an interested party. 153, 26 My 03
- c **Neb.** Taxing costs against complainant in minor offenses in event of failure of prosecution. Crim. P. §322. *Unconstitutional*. Deprives of property without due process of law. *Rickley v. State*, 91 N. W. 867.
- d **Neb.** *Copy of undertaking entered into by person to secure stay of execution to be entered on docket of justice of peace.* Amending C. S. '01 §6574. 129, 17 Mr 03
- e **Nev.** Costs to be allowed to plaintiff on judgment in his favor in actions involving title to real estate or legality of assessment. Amending C. L. '00 §3570. 20, 4 Mr 03
- f **N. Y.** Where plaintiff is foreign corporation, defendant in action in Justice's Court may demand security for costs. Amending C. C. P. §3074. 276, 24 Ap 03
- g **N. D.** Providing additional attorneys fees against plaintiff in actions to enjoin drainage proceedings. 25, 8 Mr 01. *Unconstitutional*. Subject not included in title. *Erickson v. Cass Co.*, 92 N. W. 841.
- h **Or.** Costs and disbursements to be taxed and allowed by *court or judge thereof* [formerly by clerk of court] in which action is pending; procedure. Amending Ann. C. and S. '02 §568-69. p.209, 24 F 03
- i **Tenn.** Supplementing C. §4930 allowing next friend of married woman to prosecute suit in forma pauperis. 581, 9 Ap 03
- j **Wis.** Undertakings filed by surety companies allowed as security for costs in Justices Court. 106 '03

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**Special actions**

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**Attachment***See also Exemption from execution, 451*

- a **Cal.** Amending C. C. P. §542 as to issue of notice to owner in attachment of real estate or growing crops. 153, 16 Mr 03
- b **Col.** 60% of wages [formerly \$60] to be exempt from attachment *where family resides in state* and depends on wages for support; proviso, all wages less than \$5 a week exempt. Amending '94 ch.5. 132, 9 Mr 03
- c **Ct.** Certificate in attachment of real estate to specify authority issuing writ. Amending G. S. '02 §829. 12, 25 Mr 03
- d **Ct.** Wages to sum of \$25 [formerly \$50], exempt from foreign attachment. Amending G. S. '02 §909. 95, 15 My 03
- e **Fla.** Revising R. S. '92 §1638 relating to attachment when debt is not actually due. 152, 22 My 03
- f **Ill.** Attachment of wages earned outside state: procedure; exception. p.217, 13 My 03

- g Me. Exempting county *and local* agricultural societies, from attachment till current expenses of fair are paid. Amending '87 ch.94. 77, 11 Mr 03
- h Me. Amending R. S. '83 ch.86 §4, '93 ch.157 relating to trustee suits: procedure. 81, 11 Mr 03
- i Me. Amending R. S. '83 ch.81, §62, §15 exempting from attachment *all* necessary provisions. 82, 11 Mr 03
- j Me. Relating to attachment of personal property of copartnership. 83, 11 Mr 03
- k Me. Amending R. S. '83 ch.86 §§5-87, '89 ch.311 relating to dissolution of attachments on real estate, personal property or on trustee process by filing bond; proceedings. 88, 12 Mr 03
- l Me. Amending R. S. '83 ch.86 §6, '93 ch.157 relating to trustee process: costs in suits discontinued or settled. 135, 24 Mr 03
- m Mich. Amending C. L. '97 §10335 relating to attachment of stock. 219, 16 Je 03
- n Mo. No property exempt from attachment in proceeding instituted by married woman for maintenance or order issued to enforce decree for alimony; all wages due defendant to be subject to garnishment. p.240, 24 Mr 03
- p N. M. In case of attachment of shares, corporation may be required to give statement of shares owned by defendant; penalty. 94, 18 Mr 03
- q Wash. Amending Ann. C. & S. '97 §5355 relating to bond and liability for costs in attachment proceedings. 41, 6 Mr 03
- r Wy. Bond for appeal being given to pay costs, justice of peace to order release of attachment. 101, 23 F 03
- 742 Garnishment
  - a Mich. Amending C. L. '97 §10628 relative to garnishment of corporations in Circuit Courts: garnishee process may be served on clerks of mining companies in Upper Peninsula. 68, 30 Ap 03
  - b Mich. Defining procedure in garnishee proceedings against corporations. Amending '99 ch.257 §25. 73, 4 My 03
  - c Mo. Employer may not be charged as garnishee exceeding *100* of wages due from him to defendant. Amending R. S. '99 §3435. p.199, 6 Ap 03
  - d Or. Repealing Ann. C. and S. '02 §259 whereby public officers were freed from liability to answer as garnishees. p.199, 24 F 03
  - e Tenn. Officer may not summon garnishee if debtor's *personal* property in county be sufficient to satisfy execution. Amending C. §4829. 87, 11 Mr 03
  - f Tenn. Employees' wages earned and payable without state to be exempt from garnishment where cause of action arose without state. 590, 7 Ap 03
  - g Va. Amending '00 ch.511 relating to garnishment of salary of state officials; proceedings. 146, 15 Ap 03
  - h Wash. In garnishment in justice court. Amending Ann. C. & S. §10335. 101, 23 F 03

## CIVIL LAW ADMINISTRATION OF JUSTICE

- i **Wash.** Writ of garnishment to be delivered to plaintiff or attorney; service may be made by officer or any person over 21 not party to action. Amending Ann. C. & S. '97 §5396-97. 68, 12 Mr 03
- j **Wash.** Providing for discharge of writ of garnishment on filing of bond by defendant in principal action to perform judgment of court. Adding §9½ to '93 ch.56. 146, 16 Mr 03
- k **Wis.** Procedure relating to payment of judgment by garnishee. Supplementing S. '98 §3727. 80, 20 Ap 03
- l **Wis.** Amending S. '98 §3726 subdiv.2 relative to garnishment proceedings: appeal may be taken from order of justice directing *payment of money* in garnishee's possession as from judgment. 263, 14 My 03

746

**Replevin**

- a **Fla.** Total value of entire goods to be ascertained in replevin suits for recovering possession. 54, '03
- b **Ill.** Amending R. S. '01 ch.119 §4 relative to affidavit to be filed by plaintiff before bringing action for replevin. p.293, 15 My 03
- c **Kan.** Justices of the peace to have jurisdiction in actions in replevin where value does not exceed \$300 [formerly \$100]. Amending G. S. '01 §5286. 382, 13 Mr 03
- d **Pa.** In replevin suits judge in vacation may permit intervention of party defendant and review action of prothonotary with regard to bail. Amending '01 ch.61 §3, 81. 45, 19 Mr 03

748

**Title and possession of property**

- a **Ark.** Regulating notice of lis pendens in suits affecting title to or lien on real or personal property. 65, 7 Mr 03
- b **Cal.** Bonds in actions to set aside transfer. 91, 9 Mr 03
- c **Cal.** Amending C. C. P. §749-51 relating to procedure in clearing title to real property: serving of summons on known and unknown defendants; proof of summons by publication to be required by court. 93, 9 Mr 03
- d **Ga.** In suits for recovery of personal property in trover cases defendant may plead set-off or recoup in damages: regulations. p.84, 15 Ag 03
- e **Me.** Procedure to quiet title to land after uninterrupted possession for 10 years. 149, 26 Mr 03
- f **Me.** Trespassers on wild lands. 157, 26 Mr 03
- g **Mich.** In ejectment, tenant in common recovering undivided interest may take possession of entire premises. 55, 23 Ap 03
- h **Neb.** Minor amendment to C. S. '01 §6544-45 relative to forcible entry and detention of property. 128, 10 Ap 03
- i **N. C.** Amending '93 ch.22 §2 requiring verification of pleadings in actions for processioning of land. 21, 22 Ja 03
- j **N. C.** Amending '01 ch.666 §1 relative to cutting of timber pending action to try title. 642, 9 Mr 03
- N. C.** Amending '93 ch.6 §1 relative to determining conflicting to real estate. 763, 9 Mr 03



N. Y. STATE LIBRARY SUMMARY OF LEGISLATION 1903

- l Pa. Amending '89 ch.14 §1 as to service of notice in actions to settle title to real estate when person claiming title or interest resides outside of county or state where property is situated.  
154, 16 Ap 03
  - m S. D. County Court may reopen settled estates to enter judgments when necessary to perfect title to realty sold by executor under provisions of will; procedure.  
121, 6 Mr 03
  - n S. D. Defining procedure in actions brought to determine adverse claims to realty; Circuit Court to have jurisdiction.  
194, 11 Mr 03
  - o Wash. In action for recovery of real property, defendant holding in good faith under color of claim or title may make counterclaim for value of improvements and amount of taxes and assessments with interest; plaintiff may recover damages for withholding of premises and waste.  
137, 16 Mr 03
- 749 Writs: certiorari, injunction, mandamus, prohibition, quo warranto, scire facias
- a Col. Court may grant temporary injunction for 5 days in case of affidavit of emergency; procedure; penalty for alleging emergency; dissolution of injunction. Amending C. C. P. §143, 148, 150.  
117, 11 Ap 03
  - b Fla. Writs of quo warranto, habeas corpus, mandamus and prohibition to be returnable at such time as court directs. Amending R. S. '92 §1012.  
43, 4 Je 03
  - c Ga. Applicant for writ of certiorari to correct judgment of recorders or police court of town or city to give bond for appearance.  
p.105, 10 D 02
  - d N. J. Revision of laws relating to writs of certiorari.  
174, 8 Ap 03
  - e N. J. General revision of law relating to informations in nature of quo warranto.  
194, 8 Ap 03
  - f N. J. General revision of law relative to writs of mandamus.  
195, 8 Ap 03
  - g N. C. Complaint and summons in quo warranto proceedings to be served within 90 [formerly 30] days after taking office. Amending '01 ch.519.  
556, 6 Mr 03
  - h Pa. Court of Common Pleas may issue writs of mandamus to corporations doing business or having property in county and to certain state officials.  
39, 19 Mr 03
  - i Tenn. Regulating procedure in suits brought by certiorari into Appellate Court.  
115, 11 Mr 03
  - j Vt. Amending S. '94 §1685 as to action of scire facias when brought to revive a judgment for *recovery of money or property held in trust*.  
42, 4 D 02
  - k Wis. Procedure for ascertaining damages growing out of injunctions. Amending S. '98 §2778 and adding §2778a.  
271, 14 My 03

**ADMINISTRATIVE LAW**

This and Constitutional law, 15, make up what is commonly known as the Political Code.

3

**Officers. Civil service**

*See also* State departments, 38; Municipal civil service, 2472; County civil service, 2511

4

**General**

a

**Va.** Amending C. ch.9 relating to elections and terms of state, county, district and city officers. 294, 20 My 03

6

**Appointment**

a

**Nev.** Any public official appointing or any other person procuring appointment of a deputy or employee on consideration of payment of part of salary, and any deputy or employee making such payments to be subject to fine of \$1000 to \$5000 or imprisonment 1 to 7 years. 25, 5 Mr 03

7

**Vacancies**

a

**Cal.** Official appointed by governor to fill vacancy to hold office only for balance of unexpired term; exception. Adding §1003a to P. C. 135, 15 Mr 03

o

**Oath. Installation**

a

**Fla.** Person appointed *or elected* to office to pay \$1 commission fee [formerly amount specified for each officer]. Amending R. S. '92 §212. 73, 23 My 03

b

**Me.** Commissioners appointed to take depositions, women appointed to administer oaths and take acknowledgment of deeds and assayers of ores and metals to pay \$5 fee to treasurer of state. Amending R. S. '83 ch.114 §1. 87, 12 Mr 03

1

**Bonds. Sureties**

a

**Cal.** Premium on bonds given by surety companies for public officials to be paid by state, county or city; premium not to exceed  $\frac{1}{2}\%$ . 359, 25 Mr 03

o

**N. D.** Bonds of officers of political subdivisions and school districts of state may be executed by surety, fidelity insurance or bonding company; premium to be paid by said subdivision. 127, 3 Mr 03

:

**Vt.** Official bonds previously required by way of recognizance may hereafter be given in form of bonds executed by principals and sureties. 157, 12 D 02

d

**Wis.** State, county, town, village or city may pay cost of surety bond of official not exceeding  $\frac{1}{8}\%$  [formerly 1]. Amending S. '98 §1966 subdiv.38. 436, 22 My 03

2

**Preference of veterans**

a

**Ct.** Veterans of Civil War not to be discharged from employment in state, county, city or town public buildings except for cause, after notice and hearing. Amending G. S. '02 §2877. 60, 6 My 03

764

**Reports**

- a **Ga.** Official year to be coincident with fiscal year; reports to date from Jan. 1. Repealing C. §233. p.25, 17 Ag 03
- b **Id.** Annual or biennial reports of state officers and boards to be delivered to secretary of state before Dec. 1 for distribution among executive departments and Legislature; penalty. p.149, 6 Mr 03

765

**Salaries. Fees**

- a **Cal.** Amending P. C. §151-203 and adding §204-8 relating to legal mileage from various county seats to Sacramento. 246, 20 Mr 03
- b **Fla.** Salaries of secretary of state, comptroller, attorney general, superintendent of public instruction and commissioner of agriculture to be \$2500 [formerly \$1500, \$2000, \$2000, \$1500, \$1500 respectively]. 74, 30 My 03
- c **Id.** Fixing salary of certain executive officers and justices of Supreme Court. p.252, 14 Mr 03
- d **Mon.** Regulating wages of employees in capitol. 104, 6 Mr 03
- e **Nev.** Fixing salaries of certain state officials and employees. 40, 9 Mr 03
- f **Pa.** Placing on permanent pay roll employees in certain departments of government who have heretofore been paid from contingent funds. 115, 8 Ap 03
- g **Va.** Generally amending C. t.8 relating to salaries, mileage and other allowances. 10p. 62, 7 F 03
- h **Va.** Auditor of public accounts to pay public officers and employees on 1st and 15th day of each month. 153, 14 Ap 03
- i **Wash.** Fixing fees of clerks of Supreme and Superior Courts, sheriffs, constables, county auditors, coroners, secretary of state, notaries public, jurors and witnesses. 151, 16 Mr 03
- j **W. Va.** Amending C. ch.11 §1, 7 increasing salaries of state officers. 23, 26 F 03

767

**Tenure of office. Discipline**

*See also Passes, 1237*

- a **Ind.** Term of judicial and county officers. 13, 11 F 03
- b **Mass.** Offices of all departments of state government may be closed at 12 m. [formerly 2 p. m.] on Saturday. Amending R. L. ch.18 §13; repealing §14, which authorizes heads of departments to provide weekly half holidays. 229, 13 Ap 03
- c **Mass.** Forbidding corporations furnishing public utilities to employ, promote or discharge employee on recommendation of public officers and forbidding such recommendations on the part of public officers. 320, 5 My 03
- d **N. H.** State offices and departments may be closed on legal holidays and Saturday afternoons. 92, 25 Mr 03
- e **N. M.** Territorial or county officers may not become sureties for other persons; penalty. 57, 14 Mr 03

## ADMINISTRATIVE LAW FINANCE

770

## Finance. Public property

*See also* School finance, 2237; Local finance, 2550

772

## Domain. Property

773

## Public lands

*See also* School lands, 2240

774

## General and miscellaneous

- a **Col.** Amending and supplementing Ann. S. '91 §3630 relating to Board of Land Commissioners: creating office of superintendent of Mineral Department; supervision of lands, mines and works under state lease; collection of royalties; renewal of agricultural leases; sale of land; proviso; report to board. 151, 11 Ap 03
- b **Mich.** Commissioner of land office, on approval of State Swamp Land Board, after conference with Indians, to set aside 400 acres of state lands to be held in trust by state for use and occupancy of Sheboygan Indians; to be exempt from taxation and reserved from sale; land when vacated, to revert to state. p.444, 18 Je 03
- c **Mon.** Salary of deputy register of State Land Office \$1800 [formerly \$1500]. Amending '99 p.85. 90, 5 Mr 03
- d **N. M.** Public lands: segregation of United States grants for institutional, educational and irrigation purposes; sale of certain public lands. 78, 17 Mr 03
- e **Wash.** Commissioner of public lands may appoint assistant. 33, 5 Mr 03
- f **Wash.** Miscellaneous amendments to '97 ch.39 relating to state and school lands. 79, 12 Mr 03
- g **Wash.** Board of State Land Commissioners may vacate and replat state lands. 127, 16 Mr 03
- h **Wash.** Acceptance, reclamation and disposal of certain lands granted to state by United States. 152, 16 Mr 03
- i **Wy.** Public lands: State Board of School Land Commissioners to select lands granted to state for school purposes and secure transfer of lands; State Board of Land Commissioners to have control and disposition of all state lands *other than school lands*; leasing of state lands. Generally amending R. S. '99 §792-815, '01 ch.82. 78, 21 F 03
- j **Wy.** State mineral lands to be thrown open to exploration, occupation or purchase at option of State Board of Land Commissioners; minimum price, \$10 an acre; lode mining claims defined; proceedings to procure title. 85, 23 F 03

775

## Lease

- a **Minn.** Amending '95 ch.105 §3 as to assignment of contract or lease of state mineral lands. 317, 21 Ap 03
- b **Minn.** Amending '97 ch.312 §1 as to lease of mineral lands in case several applications are made simultaneously. 225, 14 Ap 03.

- c **N. D.** Providing for leasing public lands containing coal: advertising; minimum rent 10 cents a long ton of coal and \$10 an acre; coal lands may be rented also for grazing purposes and vice versa; investigation by Board of University and School Lands and state geologist. 176, 10 Mr 03
- d **S. D.** Fee for lease of school or public lands *75c for first and 50c for each additional year* [formerly \$1 for lease]. Amending P. C. '03 §392. 142, 28 F 03

#### 776 **Sale. Settlement. Appraisal**

- a **Mon.** Balance of purchase money after first payment for state land to be paid in 14 [formerly 7] equal annual payments at 5% [formerly 7] interest. Amending '99 p.87. 28, 25 F 03
- b **Nev.** If applicant for lands fails to prosecute suit involving claim, lands to pass to adverse applicant or to state. 80, 13 Mr 03
- c **N. C.** Generally amending C. §2751-88 relating to entries and grants. 272, 9 Mr 03
- d **N. D.** Referring to next Legislature amendment to Constitution §158 regarding sale of public lands. *Not repassed by Legislature of 1903.* p.278 '01
- e **Tenn.** Repealing all laws authorizing land grants. 416, 15 Ap 03

#### 778 **Tide, shore and swamp lands**

- a **Cal.** Amending P. C. §2443 relating to sale of swamp or tide lands: procedure. 61, 2 Mr 03
- b **N. J.** State Board of Riparian Commissioners may grant to municipality for fixed consideration lands under water for park purposes; revision. Supplementing G. S. '95 p.2785. 202, 8 Ap 03
- c **Pa.** Repealing '97 ch.235 relative to patenting lands lying within or along navigable rivers. 28, 11 Mr 03

#### 778(5) **Timber**

- a **Mich.** State commissioner of land office may seize and mark timber cut from state tax lands and sell same: misdemeanor to remove timber without written release from commissioner. 145, 26 My 03
- b **Mich.** Commissioner of land office may sell timber from state lands, also from Agricultural College lands, subject to regulation of respective controlling boards: proviso. 194, 9 Je 03
- c **Mich.** *Felony* [formerly misdemeanor] to injure or remove timber, etc. from state lands, or property appertaining thereto, without permit. Amending C. L. '97 §1394. 210, 10 Je 03
- d **Mich.** State commissioner of land office to appoint state trespass agents to protect timber on state lands; to seize, mark and sell timber and other products cut from lands; weekly itemized statements to state commissioner. 220, 18 Je 03
- e **N. M.** Misdemeanor to cut timber from territorial lands. 81, 17 Mr 03

## ADMINISTRATIVE LAW FINANCE

778-

**Tenn.** Felony to remove timber from state lands; district attorney to prosecute. 444, 7 Ap 03

**Buildings. Property and supplies****Buildings and grounds**

- a Id.** Designating 7 commissioners to locate and erect Supreme Court building and library at Lewiston on donation of site; commissioners to report to governor; \$15,000. p.42, 20 F 03
  - b N. Y.** No repairs or alterations may be made in public buildings without consent of trustees or superintendent. Amending public buildings law '93 ch.227 §3 subdiv.2. 342, 6 My 03
  - c N. D.** Governor, state auditor and state treasurer may issue \$100,000 bonds for extension of capitol and governor's mansion; Board of Capitol Commissioners to have charge of construction. 27, 13 F 03
  - d Or.** Board of Public Building Commissioners may order rebuilding or repairing of public buildings injured by fire. p.81, 16 F 03
  - e S. D.** Board of Charities and Corrections authorized to erect buildings may reserve portion of appropriation to protect from fire during erection. 159, 11 Mr 03
  - f Wis.** Superintendent of public property may employ additional fireman and man to take charge of electrical work, at \$75 a month. Amending '97 ch.355. 366, 20 My 03
- h Capitol**
- a Ark.** Board of State Capitol Commissioners consisting of 5 members, 1 from each congressional district, to be elected by Legislature on nomination by Senate and House separately; to complete capitol building; [replacing board created by '01 ch.132]. 146, 16 Ap 03
  - b Mass.** Salary of watchmen at statehouse, \$1200; of assistant watchmen, \$1100. Supplementing R. L. ch.10 §10. 455, 22 Je 03
  - c Mo.** Submitting amendment to Constitution authorizing  $\frac{1}{2}$  mill tax for 5 years for erection of new state capitol. *Vote November 1904.* p.284, '03
  - d N. C.** Joint committee consisting of governor, chief justice, 1 senator and 2 representatives to prepare plans for enlargement of capitol; report to Legislature of 1905. p.1173, 4 Mr 03
  - e N. D.** Annual appropriation of \$18,000 [formerly \$20,000] for maintenance of capitol. Amending R. C. '99 §338. 28, 9 Mr 03
  - f R. I.** Creating permanent Statehouse Commission to have custody of statehouse and grounds; powers and duties; \$3500 annual appropriation; [replacing temporary Board of State House Commissioners established by '93 ch.1201]. 1051, 11 D 02
  - g Wash.** Secretary of state to have charge of capitol [formerly state librarian had charge when Legislature was not in session]. Amending Ann. C. & S. '97 §115; repealing §2614. 107, 14 Mr 03
  - h Wis.** Governor and 6 appointees to constitute commission to recommend plans for accommodation of State Law Library and Supreme Judiciary by enlargement of capitol building; \$10,000

## N. Y. STATE LIBRARY SUMMARY OF LEGISLATION 1903

appropriation for architects; on approval of plan by Ap. 1, 1904,  
commission to execute same; \$100,000. 399, 21 My 03

- i Wy. Capitol Building Commission may appoint a clerk; salary,  
\$300. 67, 20 F 03

## 782 Executive mansion

- a Cal. Amending '99 ch.60 relative to constructing and furnishing  
residence for governor. 289, 25 Mr 03

- b Wy. \$15,000 additional appropriation for completion and  
furnishing of governor's residence; Capitol Commission to have  
permanent supervision. 49, 20 F 03

## 783 State architect

- a Neb. State architect to be appointed by Board of Public Lands  
and Buildings; salary \$2500; to prepare specifications and super-  
vise construction and repair of public buildings. 108, 8 Ap 03

## 784 Property and supplies generally

- a Mo. Salary of state commissioner of permanent seat of govern-  
ment, \$1200 [formerly \$900]. Amending R. S. '99 §6578. p.105, 16 Mr 03

- b Neb. Board of Public Lands and Buildings to have charge of  
supplies of furniture for capitol buildings. Amending C. S. '01  
§5038. 106, 10 Ap 03

## 785 Acceptance of grants and bequests

- a Fla. Governor to accept grant by United States of any part of  
naval reservation in Escambia county. 177, 16 My 03

## 787 Contracts and supplies

- a Mich. Board of State Auditors [formerly secretary of state] to let  
biennial contracts for furnishing fuel and stationery to state, for  
state printing and binding and for heating of capitol; regulations.  
Amending C. L. '97 §1531-37. 12, 25 Mr 03

- b Mich. Board of State Auditors to purchase stationery, printing  
and binding supplies for several state departments. 135, 21 My 03

- c N. H. Keeper of statehouse to furnish fuel *under direction of*  
*governor and Council*. Amending P. S. ch.7 §3. 127, 2 Ap 03

- d Wis. Amending S. '98 §290 relating to furnishing of stationery  
to state officers. 21, 19 Mr 03

## 789 Officers. Interest in contracts

- a Fla. Penalty for purchasing supplies from any public officer or  
member of board; prohibiting officials from bidding for public  
work. 81, 29 My 03

- b Pa. Misdemeanor for officer of institution receiving state aid to  
sell supplies to same. 216, 23 Ap 03

## 790 State institutions

- a Minn. State Board of Control, governor and land commissioner  
may compromise and settle disputes relating to lands of institu-  
tions under control of board. 308, 21 Ap 03

## ADMINISTRATIVE LAW FINANCE

- b S. D. Repealing P. C. '03 §317 relating to purchase of supplies for state institutions. 200, 19 Mr 03
- c S. D. Officer in charge of state institution to make annual inventory of personal property belonging to state: regulations; sale of property unfit for use; penalty. 220, 21 F 03

## 791 Insurance

- a Fla. Governor and administrative officers to keep state property insured. 11, 12 My 03
- b Fla. Preference to be given home companies in insuring public property. 62, '03
- c N. C. Insurance commissioner to prepare schedules of state property and procure policies of insurance; to inspect state property at least once a year; to report annually to governor. Amending '01 ch.710. 771, 9 Mr 03
- d S. D. State treasurer to place insurance on public buildings to local fund for institution suffering loss. Amending P. C. '03 §319. 164, 12 Mr 03
- e Wis. Providing for state insurance of public buildings and state property to 90% of value of property: commissioner of insurance to levy average rate charged by fire insurance companies; insurance fund; regulations. 68, 3 Ap 03

## 792 Sale of property

- a Ari. Amending R. S. '01 §3942 relating to sale of territorial property. 20, 13 Mr 03

## 793

## Public works

- a Nev. Referring to Legislature of 1905 constitutional amendment adding article authorizing state to furnish public utilities; debt contracted not to exceed 10% of taxable property; providing for referendum. p.232, 12 Mr 03
- b Tex. Lands required by state for public use to be purchased by governor; condemnation proceedings. 5, 28 Ap 03

## 795

## State departments

## 796 State engineer. Surveyor

- a Cal. Surveyor general may appoint assistant and clerk; salaries. Amending P. C. §485. 288, 25 Mr 03
- b Col. Fixing fees of state engineer; to be deposited with state treasurer for formation of state gaging fund; disposition of fund. 128, 10 Ap 03

## 797

## Light, water and sewerage plants

- a Or. Amending Ann. C. & S. §5046 relating to authority of Board of Public Building Commissioners to acquire water for state institutions and buildings: at commencement of condemnation proceedings, board may take possession of water, water rights, etc. and hold till final determination including appeal; procedure. p.315, 25 F 03



# ANNUAL SUMMARY OF LEGISLATION 1903

Authorize traveling Commissioners to provide for  
 buildings and state institutions established at state  
 \$15,000 p 317, 25 Feb 03

## State parks

Authorize \$200 \$8, for ch. 205 as to official report  
 state park of the Dalles of St Croix.

203, 14 Apr 03

Appoint 3 commissioners to investigate ab-  
 sence of state park near Devil's Lake; report to  
 1904 232, 13 May 03

## Taxation (general)

General property taxes. Under local finance are placed all  
 taxes levied there, as limitations of rates, etc. State and local  
 taxes together by local authorities; hence a separation would be  
 made. Taxes, 1913

## General and miscellaneous. State departments

Authorize \$3879 reorganizing Board of Equaliza-  
 tion and 4 [formerly 2] members appointed  
 members respectively. 23, 17 Mr 03

Authorize to give names of employees to tax assessor or  
 appointed; penalty. 142, 10 Ap 03

Amendment to Constitution §181: Legislature  
 authorize cities or towns to levy tax on per-  
 sonal income, licenses or franchise in lieu of  
 property taxes of 1st class do not omit ad valorem  
 taxes on corporations. Adopted November 1903

50, 12

Authorize 02p. 73, 4 Ap 03

Authorize relating to annual meeting of county  
 boards to conform valuation; creating State Board of

60, 13 Mr 03

Constitution pt2 art 6: Legislature may impose  
 taxes on other classes of property including franchises  
 and March 1903.

Constitutional Convention 1902, amendment 4  
 Authorize governing boards to appoint village

Authorize acts and duties; appeal to commission  
 114, 7 Ap 03

Authorize law 52p. 208, 209, 8 Ap 03

Authorize §2034 adding to Board of Equaliza-  
 tion to be appointed by governor with consent of

61, 14 Mr 03

Authorize duties of Territorial Board of Equaliza-  
 tion and traveling auditor and bank examiner

Authorize counties to determine amount of taxable  
 property among counties; levy of tax.

88, 17 Mr 03

Authorize relating to taxation. 247, 9 Mr 03

## ADMINISTRATIVE LAW FINANCE

801.

- 1 N. C.** Revision of '01 ch.7 relating to Board of State Tax Commissioners and assessment of taxes. 251, 9 Mr 03
- m N. D.** Submitting amendment to Constitution §176 authorizing Legislature to tax grain in storage. *Vote November 1904.* p.293, 2 Mr 03
- n Okl.** Amending S. '03 §5940-42 relating to taxes in unorganized territory: *real or* personal property subject to taxation in attached organized county for certain purposes; county commissioners to appoint special assessor; duties; commissioners to correct errors; proviso. 28, art.1, 17 F 03
- p Okl.** Amending S. '03 ch.8 §2 as to assessment and equalization: township, municipal and county boards of equalization. 34, 11 Mr 03
- q Or.** Amending Ann. C. & S. t.30 ch.3-6 relative to assessment and collection of taxes: increasing interest charge and diminishing rebate on delinquent taxes; changing times for assessment, equalization and payment of taxes. p.295, 24 F 03
- r Tenn.** Tax rate, privilege taxes and collateral inheritance tax. 33p. 257, 16 Ap 03
- s Tenn.** General law providing for assessment and collection of taxes. 76p. 258, 16 Ap 03
- t Va.** General tax law. 72p. 148, 16 Ap 03
- u Wash.** Amending '97 ch.71, '99 ch.141 relating to taxation: tax sales; taxes on personal property to be lien on real and personal property *from date of assessment* [formerly after 1st Monday in February succeeding]; appeals in tax suits; form of tax deed. 59, 9 Mr 03
- v Wis.** State Board of Assessment to levy tax on express, sleeping car, freight line and equipment companies. Amending §3 of '99 ch.111-14, '01 ch.237. 35, 27 Mr 03

**3 Temporary commissions and special investigations**

- a U.** Governor to appoint commission of 3 persons to cooperate with attorney general in drafting bill for uniform system of taxation; to report to Legislature of 1905. p.207, 23 Mr 03

**7 Separation of state and local taxation**

- a O.** Submitting to Constitution art.12 §2 amendment permitting the separation of state and local taxation; subjects of taxation for state and local purposes to be classified and subjects in same class uniformly taxed. *Rejected November 1903.* p.962, 29 Ap 02

**9 Exemptions from general property tax**

*See also* under special classes of taxes; *also* Encouragement of industries, 1630

**0 General and miscellaneous**

- a Cal.** Submitting amendment to Constitution art.13 by adding §10½: personal property of every householder to the amount of \$100 exempt from taxation. *Vote November 1904.* p.682, 26 F 03

## N. Y. STATE LIBRARY SUMMARY OF LEGISLATION 1903

- b **Cal.** Submitting amendment to Constitution art.13 by adding §14: ships or shipping engaged in foreign or domestic navigation or in fisheries exempt from taxation. *Vote November 1904.*  
p.734, 6 Mr 03
- c **Col.** Submitting amendment to Constitution art.10 §3 relating to exemptions from taxation: repealing provision relating to special assessments; exemption of personal property. *Vote November 1904.*  
74, 8 Ap 03
- d **Ct.** Exempting Angora goats to value of \$100 from taxation. Amending G. S. '02 §2315.  
91, 15 My 03
- e **Id.** Exempting from taxation mining claims *not patented*, irrigation ditches and water rights unless water is sold or rented and certain property of divorced women. Amending R. S. §1401, and adding §1402.  
p.73 6 Mr 03
- f **Ind.** Fraternal societies to be deemed charitable institutions property used for carrying on business, funds and reserve to be exempt from taxation. Amending '99, ch.117 §1, 13.  
10, 9 Fo 03
- g **Ind.** State and municipal bonds not taxable.  
179, 9 Mr 03
- h **Me.** Exempting property of municipal corporation from taxation. Amending R. S. '83 ch.6 §6 ¶1.  
46, 4 Mr 03
- i **Mich.** Benefit assessments of fraternal beneficiary societies to be exempt from state and local taxation. Amending C. L. '97 §775.  
53, 23 Ap 03
- j **Mo.** Exempting World's Fair corporation from tax on net premiums and its lessees from business licenses. Amending R. S. '99 §1534.  
p.138, 20 Ap 03
- k **N. Y.** Exempting from taxation real property of fraternal society spending entire income from such property for relief or advancement of members. Amending village law '96 ch.908 subdiv.7.  
204, 24 Ap 03
- l **Or.** Amending Ann. C. & S. §3039 subdiv.6 exempting from taxation property of Indians residing on reservations not having severed tribal relations or taken land in severalty; repealing subdiv.7, 8 whereby personalty of indigent and infirm persons and of householder to \$300 were made exempt.  
p.216, 24 F 03
- m **Vt.** Minor amendment of S. '94 §362 relating to exemption of household furniture and personal property.  
11, 12 D 02
- n **Vt.** Money loaned at 3% or less to town, city, village or incorporated school district by residents thereof exempt from taxation.  
13, 20 N 02
- p **Vt.** Property of agricultural societies used each year for fair exempt from taxation.  
17, 10 D 02
- q **Wis.** Lands owned or [formerly and] possessed for use as public parks by cities or villages to be exempt from taxation. Amending '01 ch.415 §1.  
71, 3 Ap 03
- r **Wis.** Exempting from taxation tools, bicycle, sewing machine, five colonies of bees, farm animals born after Dec. 31 preceding assessment, firearms, poultry and watch not above certain value. Adding subdiv.11a-h to S. '98 §1038.  
246, 13 My 03

**Wis.** Exempting from taxation musical instruments valued together with household furniture, at not over \$200. Amending S. '98 §1038 subdiv.11. 292, 15 My 03

**Charitable, educational and religious institutions and societies**

**Ari.** Schools exclusively for education of Indians to be exempt from taxation. Amending R. S. '01 §3834 subdiv.3. 42, 18 Mr 03

**Cal.** Real property used solely for religious worship to be exempt from taxation, provided no rent is received. Adding §3611 to P. C. 18, 12 F 03

**Cal.** Submitting amendment to Constitution art.9 by adding §12: property of California Academy of Sciences exempt from taxation. *Vote November 1904.* p.598, 6 F 03

**Del.** Property to amount of \$2500 of any home for reformed women exempt from county and state taxation. 368, 24 Mr 03

**Del.** Property to \$15,000 of any charitable home for incurables exempt from county taxation. 369, 24 Mr 03

**Fla.** Property of educational institutions exempt from taxation. Amending '95 ch.1 §4. 158, 3 Je 03

**Wash.** Exempting parsonages on church grounds from taxation. Amending '01 ch.176. 178, 11 Mr 03

**Wash.** Exempting from taxation property of college receiving half of income from gifts or endowments; provisos. 183, 11 Mr 03

**Wis.** Property owned or occupied free of rental by county, city, town, village, school district or public library exempt from taxation. Amending S. '98 §1038 subdiv.2. 91, 20 Ap 03

**Assessment**

**General and miscellaneous. Return by taxpayer**

**Col.** Increasing salaries of county assessors in several classes of counties. Amending '99 ch.134 §9. 162, 10 Ap 03

**Ct.** Amending G. S. '02 §2310 changing time for lodging assessors lists in town clerk's office. 155, 9 Je 03

**Ga.** Taxes to be paid in counties where returns are made; procedure in disputed cases; disposition of taxes; payment of commissions. p.16, 17 Ag 03

**Ga.** Justice of peace to return to tax receiver list of persons not on tax digest liable to tax. Amending C. §4082 subdiv.11, '99 p.35. p.40, 17 Ag 03

**Ill.** On order of county commissioners or supervisors, county clerk to make assessment lists in duplicate. Amending R. S. '01 ch.120 §304. p.297, 14 Mr 03

**Ind.** Amending laws of taxation as to dates of assessment, sessions of boards of review and election of assessors. 29, 25 F 03

**Ind.** Amending '93 ch.135 relating to salary of township assessor. 196, 9 Mr 03

**Mass.** Amending R. L. ch.12 §41 relating to notices of assessment to be given by assessors. 157, 16 Mr 03

**Mass.** Amending R. L. ch.11 §19 relating to assessment of polls and estates after May 1. 430, 16 Je 03

- j **Mon.** Repealing P. C. §3698-99 directing judge of Dis to appoint annually county board of appraisers of real
- k **N. Y.** Town board may fix compensation of assessors exceeding \$3 a day. Amending town law, '90 ch.569 §178 3
- l **N. D.** Cities, *towns and villages* to constitute separate districts; compensation of assessors. Amending R. C. '99
- m **N. D.** Tax on property omitted from assessment to 1 tax for following year. Amending R. C. '99 §1283. 15
- n **Pa.** Townships of 1st class to elect 2 assistant assessors for triennial assessment of property; compensation. 21
- p **Pa.** Relating to triennial assessments: county commissioners issue precepts to assessors before 2d Monday of September; to be complete by Dec. 31; reassessments. 22
- q **S. D.** Each city or town, organized under special charter, no provision for assessor, constituted an assessor district to be elected annually.
- r **S. D.** Mayor with approval of council may fill vacancy of city assessor. 9
- s **S. D.** Assessors in counties including 45 congressional districts allowed expenses not exceeding \$5 a day. Amending §2087. 2
- t **U.** Resolution urging county assessors to make full and partial valuations of property. p.20
- u **Vt.** Tax listers to notify person in writing in case of incomplete inventory; on failure to return inventory in 10 days to take action according to S. '94 §424.
- v **Vt.** Amending S. '94 §440 relative to disposition of tax returns: return to taxpayer; destruction of.
- w **Wis.** Amending '01 ch.445 §3, 4 as to auditing and salary of county supervisor of assessment. 31
- x **Wy.** Amending R. S. '99 §1805-6, 1819, 2312, 3387, 3388, 3389, 3390, 3391, 3392, 3393, 3394, 3395, 3396, 3397, 3398, 3399, 3400, 3401, 3402, 3403, 3404, 3405, 3406, 3407, 3408, 3409, 3410, 3411, 3412, 3413, 3414, 3415, 3416, 3417, 3418, 3419, 3420, 3421, 3422, 3423, 3424, 3425, 3426, 3427, 3428, 3429, 3430, 3431, 3432, 3433, 3434, 3435, 3436, 3437, 3438, 3439, 3440, 3441, 3442, 3443, 3444, 3445, 3446, 3447, 3448, 3449, 3450, 3451, 3452, 3453, 3454, 3455, 3456, 3457, 3458, 3459, 3460, 3461, 3462, 3463, 3464, 3465, 3466, 3467, 3468, 3469, 3470, 3471, 3472, 3473, 3474, 3475, 3476, 3477, 3478, 3479, 3480, 3481, 3482, 3483, 3484, 3485, 3486, 3487, 3488, 3489, 3490, 3491, 3492, 3493, 3494, 3495, 3496, 3497, 3498, 3499, 3500, 3501, 3502, 3503, 3504, 3505, 3506, 3507, 3508, 3509, 3510, 3511, 3512, 3513, 3514, 3515, 3516, 3517, 3518, 3519, 3520, 3521, 3522, 3523, 3524, 3525, 3526, 3527, 3528, 3529, 3530, 3531, 3532, 3533, 3534, 3535, 3536, 3537, 3538, 3539, 3540, 3541, 3542, 3543, 3544, 3545, 3546, 3547, 3548, 3549, 3550, 3551, 3552, 3553, 3554, 3555, 3556, 3557, 3558, 3559, 3560, 3561, 3562, 3563, 3564, 3565, 3566, 3567, 3568, 3569, 3570, 3571, 3572, 3573, 3574, 3575, 3576, 3577, 3578, 3579, 3580, 3581, 3582, 3583, 3584, 3585, 3586, 3587, 3588, 3589, 3590, 3591, 3592, 3593, 3594, 3595, 3596, 3597, 3598, 3599, 3600, 3601, 3602, 3603, 3604, 3605, 3606, 3607, 3608, 3609, 3610, 3611, 3612, 3613, 3614, 3615, 3616, 3617, 3618, 3619, 3620, 3621, 3622, 3623, 3624, 3625, 3626, 3627, 3628, 3629, 3630, 3631, 3632, 3633, 3634, 3635, 3636, 3637, 3638, 3639, 3640, 3641, 3642, 3643, 3644, 3645, 3646, 3647, 3648, 3649, 3650, 3651, 3652, 3653, 3654, 3655, 3656, 3657, 3658, 3659, 3660, 3661, 3662, 3663, 3664, 3665, 3666, 3667, 3668, 3669, 3670, 3671, 3672, 3673, 3674, 3675, 3676, 3677, 3678, 3679, 3680, 3681, 3682, 3683, 3684, 3685, 3686, 3687, 3688, 3689, 3690, 3691, 3692, 3693, 3694, 3695, 3696, 3697, 3698, 3699, 3700, 3701, 3702, 3703, 3704, 3705, 3706, 3707, 3708, 3709, 3710, 3711, 3712, 3713, 3714, 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4047, 4048, 4049, 4050, 4051, 4052, 4053, 4054, 4055, 4056, 4057, 4058, 4059, 4060, 4061, 4062, 4063, 4064, 4065, 4066, 4067, 4068, 4069, 4070, 4071, 4072, 4073, 4074, 4075, 4076, 4077, 4078, 4079, 4080, 4081, 4082, 4083, 4084, 4085, 4086, 4087, 4088, 4089, 4090, 4091, 4092, 4093, 4094, 4095, 4096, 4097, 4098, 4099, 4100, 4101, 4102, 4103, 4104, 4105, 4106, 4107, 4108, 4109, 4110, 4111, 4112, 4113, 4114, 4115, 4116, 4117, 4118, 4119, 4120, 4121, 4122, 4123, 4124, 4125, 4126, 4127, 4128, 4129, 4130, 4131, 4132, 4133, 4134, 4135, 4136, 4137, 4138, 4139, 4140, 4141, 4142, 4143, 4144, 4145, 4146, 4147, 4148, 4149, 4150, 4151, 4152, 4153, 4154, 4155, 4156, 4157, 4158, 4159, 4160, 4161, 4162, 4163, 4164, 4165, 4166, 4167, 4168, 4169, 4170, 4171, 4172, 4173, 4174, 4175, 4176, 4177, 4178, 4179, 4180, 4181, 4182, 4183, 4184, 4185, 4186, 4187, 4188, 4189, 4190, 4191, 4192, 4193, 4194, 4195, 4196, 4197, 4198, 4199, 4200, 4201, 4202, 4203, 4204, 4205, 4206, 4207, 4208, 4209, 4210, 4211, 4212, 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5209, 5210, 5211, 5212, 5213, 5214, 5215, 5216, 5217, 5218, 5219, 5220, 5221, 5222, 5223, 5224, 5225, 5226, 5227, 5228, 5229, 5230, 5231, 5232, 5233, 5234, 5235, 5236, 5237, 5238, 5239, 5240, 5241, 5242, 5243, 5244, 5245, 5246, 5247, 5248, 5249, 5250, 5251, 5252, 5253, 5254, 5255, 5256, 5257, 5258, 5259, 5260, 5261, 5262, 5263, 5264, 5265, 5266, 5267, 5268, 5269, 5270, 5271, 5272, 5273, 5274, 5275, 5276, 5277, 5278, 5279, 5280, 5281, 5282, 5283, 5284, 5285, 5286, 5287, 5288, 5289, 5290, 5291, 5292, 5293, 5294, 5295, 5296, 5297, 5298, 5299, 5300, 5301, 5302, 5303, 5304, 5305, 5306, 5307, 5308, 5309, 5310, 5311, 5312, 5313, 5314, 5315, 53

## ADMINISTRATIVE LAW FINANCE

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- d S. D. Land acquired by reliction to be apportioned and surveyed for assessment purposes; procedure. 173, 11 Mr 03
- e U. Amending '01 ch.99 requiring county surveyor and auditor to keep maps showing ownership of land. 84, 12 Mr 03
- f Wis. Amending S. '98 §1007 relative to statements of real estate sales. 373, 21 My 03

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## Personal property

- a Col. Person in charge of merchandise brought into county before May 1 for temporary lodgment and sale to notify assessor; assessment; penalty. 157, 11 Ap 03
- b Id. Repealing '01 p.233 §20 relating to taxation of live stock brought in from other states. p.136, 17 F 03
- c Id. Owner of cattle grazing for portion of year in other county or state, and taxed there, may secure rebates of taxes in home county. Amending '01 p.233 §18. p.374, 9 Mr 03
- d Minn. Personal property to be listed annually with reference to value on May 1 and by purchaser if purchased on May 1. Amending S. '94 §1514. 138, 8 Ap 03
- e Minn. County register of deeds to deliver lists of mortgages and other real estate securities to county auditor before last Thursday [formerly Saturday] in April. Amending S. '94 §1537. 246, 17 Ap 03
- f Mo. Personalty of estate in charge of administrator, executor or guardian to be taxable for school purposes in county where decedent resided or property in charge of guardian was located at time of appointment. Amending R. S. '99 §9121, 9151. p.255, 28 Mr 03
- g Nev. Live stock brought into Nevada to graze to be taxed 10c and 40c a head of sheep and other stock respectively, unless owner gives bond for regular taxes; brands to be recorded; taxation of stock moved from county to county. 44, 9 Mr 03
- h Wis. Amending S. '98 §1056, 1061 as to assessment of personal property and complaints to district board of review. 284, 15 My 03
- i Wis. Taxation of mortgages; mortgage to be deemed interest in real estate and taxed as such in assessment district where land is situated; mortgagor to pay tax on value of real estate after deduction of mortgage; may pay entire tax; exceptions. 378, 21 My 03
- j Wis. Amending S. '98 §1040, 1044 relative to assessment of personal property in certain cases. 417, 22 My 03

825

## Review. Equalization. Adjustment

For equalization by state boards, *see also* General and miscellaneous above, 801

- a Ari. County boards of equalization to give personal notice by letter, where returned valuation deemed too small. 68, 19 Mr 03
- b Ct. Amending G. S. '02 §2352 relating to limit for appeals from assessors. 154, 9 Je 03

- c Ct. Altering times of meeting and adjournment of town boards of relief. Amending G. S. '02 §2346. 156, 9 Je 03
- d Mo. County board of equalization may assess and equalize property omitted from assessor's book. p.253, 27 Mr 03
- e Mo. Amending R. S. '99 §9130 as to date of meeting of county board of equalization. p.257, 12 F 03
- f N. Y. Amending C. C. P. §3253 as to additional allowance to either party in proceedings by certiorari to review assessment under '96 ch.908 art.11 [formerly '80 ch.269]. 316, 5 My 03
- g N. D. Amending R. C. '99 §1225 as to duties of Board of Equalization relative to county valuations of personal property. 182, 13 F 03
- h S. D. Amending P. C. '03 §2110 relating to Board of Equalization: board may not increase aggregate assessment as equalized by boards of county commissioners more than \$100,000,000 [formerly \$3,000,000]. 65, 4 Mr 03
- i Vt. Appeal from tax appraisal of real estate may be taken within 10 [formerly 3] days after return of list to town clerk's office. Amending S. '94 §392. 14, 4 D 02
- j Wis. In cities under 150,000, board of review to consist of mayor, assessors, city clerk and *ward supervisors* [formerly councilmen, not exceeding 4, were included]. 201, 11 My 03
- k Wy. Amending R. S. '99 §1784 relating to duration of sessions of county boards of equalization. 9, 17 F 03

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## Collection

- a Me. Treasurer to send state tax warrants *directly* to town assessors [formerly sheriff transmitted warrants to same]. Repealing R. S. '83 ch.2 §67 and amending ch.6 §87. 54, 4 Mr 03
- b Me. Bonds given by tax collectors to be approved by municipal officers of town or plantation and to be entered on records. 174, 27 Mr 03
- c Me. Treasurer may serve as collector of taxes in cities or towns. 224, 28 Mr 03
- d Mo. Amending R. S. '99 §9327 relating to location of office of tax collector. p.258, 23 Mr 03
- e Mon. Amending P. C. §3940, 3943, 3946-47 relating to collection of taxes on personal property. 119, 7 Mr 03
- f N. H. Tax list to be delivered to collector on or before June 30; real estate to be held for taxes for 1 year from *July 1* [formerly June 1]. Amending P. S. ch.59 §7, ch.60 §13. 111, 2 Ap 03
- g N. J. Council in cities of 12,000 to 25,000 may by three fourths vote provide for election of collector for term of 3 years. 143, 7 Ap 03
- h N. Y. Nonresident owner of real property may, after filing notice of address with town clerk, receive by mail statement of taxes due. Adding §70a to tax law '96 ch.908. 338, 6 My 03

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- i** N. D. Designating causes for which assessment or tax levy may be held invalid. 157, 13 Mr 03
- j** N. D. County auditor to deliver tax lists to county treasurer on or before Dec. 1 [formerly Nov. 1]. Amending R. C. '99 §1232. 164, 13 Mr 03
- k** N. D. Taxes irregularly or illegally, but not unfairly assessed to be voted. 166, 21 Mr 03
- l** N. D. Taxes and assessments to be paid before transfer of property. Amending R. C. '99 §1278. 167, 10 Mr 03
- m** Vt. Requiring tax collectors for unorganized towns and gores to furnish bonds approved by commissioner to county treasurer. Amending '96 ch.72 §2. 19, 10 D 02
- n** Va. Local treasurer or collector allowed 2 years to collect taxes that have been enjoined by order of court and the order afterward dissolved. Amending C. §623. 105, 25 Mr 03
- p** Wis. Amending S. '98 §1102 subdiv.3 relative to proceedings to collect tax on personal property. 377, 21 My 03

## 828

## Refund

- a** Minn. Amending '02 ch.2 §60 relating to proceedings for refunding taxes. 231, 14 Ap 03

## 829

## Delinquent taxes. Tax sales. Redemption

- a** Ari. Revision of R. S. '01 t.62 ch.7 relating to delinquent taxes. 92, 19 Mr 03
- b** Ark. Amending S. '94 §6594 as to publication and posting of list of delinquent personal taxes. 141, 13 Ap 03
- c** Cal. County may sue for delinquent taxes on personal property where no real property, or too little, is assessed as security. 119, 13 Mr 03
- d** Col. Personal property of railroads etc. to be distrained for delinquent taxes in county *where taxes become delinquent* [formerly where principal place of business is located]. Amending '02 ch.3 §220. 156, 11 Ap 03
- e** Ct. Amending G. S. '02 §2394, 2403, 2407 relative to collection of unpaid taxes: levy on property; tax lien; suit. 145, 9 Je 03
- f** Fla. Clerk of Circuit Court to cancel tax certificate covering home of Confederate veteran or his widow on oath of inability to redeem. 6, 3 Je 03
- g** Fla. Amending '01 ch.4 §7 relating to purchase of tax certificates. 7, 22 My 03
- h** Fla. Amending '01 ch.4 §10, 11 relating to tax deeds: application within 90 days after expiration of 2 years no longer required; deed prima facie evidence of title. 8, 10 Je; 45, 15 Je; 47, 30 My 03
- i** Ga. Unpaid license or special occupation tax may be enforced by execution as additional remedy. p.17, 16 Jl 03
- k** Ill. Amending R. S. '01 ch.120 §207, 220, 222 relating to tax sales: certificates of purchases. p.298, 13 My 03



- l **Ind.** 6% interest to be paid on delinquent taxes in addition to other penalties. 34, 26 F 03
- m **Me.** Repealing R. S. '83 ch.6 §200 prohibiting tax sales after 2 years from date of warrant. 30, 4 Mr 03
- n **Me.** Repealing R. S. '83 ch.6 §201 making record of notice of tax sale conclusive evidence thereof. 31, 4 Mr 03
- p **Me.** Repealing '95 ch.162 §3 requiring party claiming to recover tax land to deposit amount of taxes and charges paid by other party. 32, 4 Mr 03
- q **Me.** Purchaser or county *not* to have lien on land sold for taxes and on subsequent taxes. Amending R. S. '83 ch.6 §83. 33, 4 Mr 03
- qr **Mich.** Amending C. L. '97 §3921, '99 ch.262 authorizing auditor general to withhold conveyance of delinquent tax lands *not to exceed 5 years; exceptions.* 80, 7 My 03
- r **Mich.** Amending C. L. '97 §3961 relative to time purchaser may take possession of land under tax sale. 83, 7 My 03
- s **Mich.** Amending C. L. '97 §3959-60 relating to procedure in disposition of tax lands. 236, 18 Je 03
- t **Minn.** Amending '02 ch.2 §77 as to payments to persons entitled to moneys paid into treasury for redemption from tax sale who have lost certificate of sale. 116, 3 Ap 03
- u **Minn.** Notice of expiration of redemption in tax proceedings to be void if it is shown that person on whom notice is served is not owner of lands described. 318, 21 Ap 03
- v. **Minn.** Amending '02 ch.2 §5 as to publication of delinquent tax lists in counties over 75,000. 349, 22 Ap 03
- w **Minn.** As between grantor and grantee tax lien to attach on 1st *Monday* [formerly day] of January following levy. Amending '02 ch.2 §69. 396, 21 Ap 03
- w1 **Mo.** Action for recovery of land sold for taxes or setting aside of tax deed may not be maintained unless plaintiff offers to pay delinquent taxes with interest. p.254, 6 Mr 03
- w2 **Mon.** Amending P. C. §4044 relating to suits brought by county treasurer to recover delinquent licenses. 92, 5 Mr 03
- w3 **Neb.** Delinquent taxes: county and city delinquent tax lists; procedure in tax suits; tax sales and redemption. 75, 11 Ap 03
- w4 **Neb.** Delinquent taxes: county treasurer to sell real estate for taxes delinquent 5 years and exceeding assessed valuation; redemption; tax deed to be issued in 2 years. 76, 11 Ap 03
- w5 **N. J.** Governing body of village, borough or township may abate arrears of taxes and assessments; regulations. 160, 8 Ap 03
- w6 **N. J.** Amending '08 ch.193 §3 relating to unpaid taxes, assessments and water rates; designation of property by commissioners of adjustment; legal fee for search; costs of survey and search to be added to arrears. 258, 14 Ap 03

- 7 **N. Y.** In certain counties expense of publication of notice of  
unredeemed lands, if thereafter redeemed, to be added to tax and  
interest. Amending tax law '96 ch.908 §150. 170, 14 Ap 03
- 8 **N. C.** Amending '01 ch.558 §3 as to publication of notice of tax  
sale. 612, 9 Mr 03
- 9 **N. D.** Amending R. C. '99 §1243-44 relative to collection of  
delinquent taxes on personal property. 134, 24 F 03
- 1 **N. D.** Sale of property sold to state or county for taxes and not  
redeemed or assigned within 3 years; regulations; procedure.  
161, 13 Mr 03
- 2 **N. D.** Real estate taxes to become due and delinquent on 1st  
day of *December and March* [formerly November and February]  
respectively; penalty of 3% on becoming delinquent and further  
penalty of 3% from *Apr. 1* [formerly May 1]. Amending R. C. '99  
§1256. 163, 13 Mr 03
- 3 **N. D.** Amending R. C. '99 §1271 relative to sale of real property  
bid in by county and not redeemed within 3 years. 168, 10 Mr 03
- 4 **N. D.** Creditor having lien by judgment, mortgage or otherwise  
may redeem real property sold on execution. Amending R. C. '99  
§5540. 169, 9 Mr 03
- 5 **N. D.** Sheriff collecting delinquent tax without distress and sale  
to be paid fee of \$1 by delinquent. Amending R. C. '99 §1249.  
170, 10 Mr 03
- 6 **Okla.** Tax to be lien on real property from Dec. 15 of year  
levied; grantor or grantee to pay tax according to date of con-  
veyance. 28 art.3, 16 Mr 03
- 7 **Okla.** Notice to be given property owner before issue of tax  
deed; publication. 28 art.4, 16 Mr 03
- 8 **Pa.** Amending '01 ch.228 §1, 4 providing for liens for taxes for  
highways in townships of 1st class and for acquisition of private  
sewers and drains. 46, 19 Mr 03
- 9 **Pa.** Amending '01 ch.228 §41 relating to liens for taxes, munic-  
ipal improvements and removal of nuisances: exempting unseated  
lands. 63, 26 Mr 03
- 71 **Pa.** Treasurer of cities under 1,000,000 to sell property for de-  
linquent taxes; procedure. 86, 30 Mr 03
- 72 **Pa.** Amending '01 ch.228 §26 as to docketing liens for taxes.  
107, 3 Ap 03
- 73 **S. D.** Amending P. C. '03 §221.4 relating to action to recover  
land sold for taxes: tender of costs to party living outside county.  
70, 12 Mr 03
- 74 **S. D.** County treasurer to certify list of delinquent personal  
taxes to sheriff for collection by July 1. Amending P. C. '03  
§2185. 71, 13 Mr 03
- 75 **S. D.** Amending P. C. '03 requiring assignment of tax sale  
certificate to be filed with county treasurer. 76, 10 Mr 03

- y6 U. Counties to keep uniform tax sale record and file di  
with state auditor. Amending R. S. '98 §2621. 136, 23
- y7 Va. Defining jurisdiction of county and corporation co  
cases arising from sale of delinquent lands purchased in n  
state auditor of public accounts. Supplementing C. §666, '00  
56,
- y8 Wash. Amending '99 ch.141 §14 relating to costs in acti  
foreclosure of tax liens. 164, 16
- z Wash. County treasurer to issue certificates of delin  
against real property 6 months after taxes become delinquent.  
ing '97 ch.71 §94. 181, 19
- z1 W. Va. Amending C. ch.30 §20 relative to publication o  
quent tax lists. 35, 2
- z2 Wis. Delinquent tax may be collected by action of det  
cedure. Adding §1107a to S. '98. 380, 21

### 830 Income tax

- a Wis. Referring to Legislature of 1905 amendment to Co  
tion art.8 §1: Legislature may provide for graduated income  
p.

### 831 Poll taxes

*See also Road taxes, 2713*

- a Ari. Amending R. S. '01 t.62 ch.9 relative to assessm  
school [formerly poll] tax of \$2.50; excepting Indians and men  
*National Guard, Arizona Rangers, volunteer fire departments, pau  
insane persons.* 5, 2
- b N. H. Selectmen may exempt disabled veterans of Spani  
from poll tax. 68, 7
- c U. Exempting soldiers and sailors from poll tax. 24, 1
- d Vt. Amending S. '94 §357 exempting Civil War v  
[formerly disabled veterans having no taxable estate] fro  
tax. 10.

### 832 Business taxes. Revenue, license or lege taxes

*See also Liquor licenses, 906; Incorporation taxes, 842; Regulation and l  
trades and occupations, 1530*

### 833 General. Business and privilege taxes

- a Del. Governor and secretary of state may use stamp au  
for trade and occupation licenses. 272, 2
- b Fla. General law relating to occupation taxes and license  
Repealing R. S. '92 §336-39. 1,
- c Mon. Repealing '01 p.61 requiring county treasurer to  
statement of occupation license moneys. 7, 2

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4 **Miscellaneous occupations, etc.***See also* Preference of veterans, 2419

- a **Cal.** County license tax on sheep-raising not to exceed 5c a head.  
40, 26 F 03
- b **Del.** Honorably discharged veteran may become book agent  
without license. 389, 23 Mr 03
- c **Fla.** Emigrant agents to pay \$500 license: penalties. 87, 1 Je 03
- d **Id.** Keeper of billiard, pool or bagatelle table to pay quarterly  
license fee of \$5 [formerly \$15]; repealing theater license. Amend-  
ing R. S. §1645. p.104, 12 Mr 03
- e **Id.** Repealing R. S. §1644 requiring bankers, brokers and trust  
companies to pay license fees. p.104, 16 Mr 03
- f **Mo.** Taxing distilled liquors: alcohol, domestic wine sold on  
maker's premises and liquors manufactured for export exempted;  
special tax on imported liquors. p.226, 17 Ap 01. *Unconstitutional.*  
Revenue measure not uniform in operation; tax not levied in pro-  
portion to value; exempts articles not enumerated in Constitution;  
denies equal protection of laws. *State v. Bengsch*, 70 S. W. 710
- g **Mon.** \$500 license for peddling or, after shipment into state,  
for canvassing clocks, agricultural implements, stoves, carriages,  
washing machines or churns. 56, 4 Mr 03
- h **Mon.** Amending P. C. §4062 as to licenses for bowling alleys  
and theaters. 117, 7 Mr 03
- i **Nev.** In unincorporated cities or towns, county commissioners  
may fix license tax on telegraph, telephone, electric light, water,  
express and banking companies. Amending C. L. '00 §2174.  
38, 9 Mr 03
- j **N. M.** Merchants whose annual sales are less than \$3000 to pay  
\$5 [formerly \$10] license tax. Amending C. L. '97 §4141 subdiv.2.  
106, 19 Mr 03
- k **Va.** Amending '03 ch.148 §94 defining house of private entertain-  
ment for license purposes. 284, 20 My 03

6 **Inheritance taxes**

- a **Ark.** Exempting certain persons from provisions of collateral  
inheritance tax. Amending '01 ch.156. 89, 20 Mr 03
- b **Cal.** County treasurer may appoint special attorney to bring  
action for nonpayment of inheritance tax. Adding §20½ to '93  
ch.168. 52, 27 F 03
- c **Cal.** Amending '99 ch.85 relating to estates exempted from  
collateral inheritance tax. 228, 20 Mr 03
- d **Ct.** Amending G. S. '02 §2368 relating to inheritance tax: defining  
method of tax payment when executor is appointed under other  
jurisdiction. 63, 6 My 03
- e **Me.** Exempting religious institutions from collateral inheritance  
tax. Amending '93 ch.146 §1. 156, 26 Mr 03

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- f **Mass.** Probate Court to have jurisdiction in proceedings to discharge lien on real estate for inheritance tax. Amending R. L. ch.15 §17. 248, 16 Ap 03
- g **Mass.** Treasurer, with approval of attorney general, to effect settlement of inheritance tax on legacy conditioned on contingency or act of discretion. 251, 17 Ap 03
- h **Mass.** Amending '02 ch.473 §1 relating to collection of collateral inheritance tax on devise or bequest to take effect after expiration of 1 or more life estates or term of years. 276, 29 Ap 03
- i **Mich.** Generally amending '99 ch.188 relative to inheritance tax. 195, 9 Je 03
- j **Mo.** Amending R. S. '99 §321 relating to fees of county collector for collection of inheritance tax. p.52, 16 Ap 03
- k **N. J.** Estates in remainder to be taxed immediately; payment in 30 days after possession. Supplementing '94 ch.210. 90, 26 Mr 03
- l **N. Y.** Amending tax law '96 ch.908 §221 relating to transfer tax: 1% tax on transfers of real property over \$10,000 to certain near relatives. 41, 16 Mr 03
- m **N. D.** Inheritance tax: 2% tax on estates passing to persons other than parent, wife, husband or descendants; debts and \$25,000 deducted; foreign estates; remainders and life estates; regulations. 171, 10 Mr 03
- n **Or.** Providing for inheritance tax: tax of 1% on property over \$10,000, and individual inheritances over \$5000 passing to lineal heirs, including brothers and sisters; collateral tax of 2% on collateral inheritances exceeding \$2000; progressive tax of 3-6% on transfers to other persons or corporations exceeding \$500. p.49, 16 F 03
- p **Pa.** Exempting bequests for care of burial lots from collateral inheritance tax. 13, 5 Mr 03
- q **Tenn.** Gifts, donations or bequests to religious, charitable or educational institutions to be exempted from collateral inheritance tax. Amending C. §724-56. 561, 2 Ap 03
- r **U.** Inheritance tax to be determined by deducting debts and \$10,000 from estate and taxing remainder; description of real estate and inventory of personal property to be filed with state treasurer. Amending '01 ch.62 §1 and 11. 93, 12 Mr 03
- s **Wis.** Inheritance tax: imposed on transfers of real and personal property to direct or collateral heirs; transfers of less than \$25,000 for religious, charitable or educational purposes excepted; tax to vary from 1% to 5% and exemptions from \$10,000 to \$100, according to degree of kinship; progressive increase of tax; regulations. 44, 27 Mr; 249, 13 My 03
- t **Wy.** Inheritance tax: tax of 2% on estates over \$10,000 passing to lineal heirs, including brothers and sisters; legacies of \$25,000 to husband, wife or children residing in state to be exempt; 5% tax on property exceeding \$500 passing to collateral relatives or others. 80, 21 F 03

## Corporation taxes

Including taxation by general property tax

### General and miscellaneous

- a **Ct.** Amending G. S. '02 §2331 relating to tax on certain corporations: repealing provision giving corporation a tax lien on shares of stockholders. 204, 22 Je 03
- b **Del.** Referring to Legislature of 1905 amendment to Constitution art.9 §6: stock of domestic corporations, owned by persons or corporations without state, exempt from taxation. 254, 17 Mr 03
- c **Del.** Amending '01 ch.15 §4 relating to payment of annual license tax by corporations having less than 50% of capital stock invested in state. 259, 18 Mr 03
- d **Del.** Amending '01 ch.15 §5 extending time from Mar. 1 to May 1 before interest on annual franchise tax becomes due. 260, 18 Mr 03
- e **Ga.** Companies, other than transportation and transmission companies, having plants on county lines to be taxed by county in which lie main buildings. p.15, 17 Ag 03
- f **Mass.** Regulating taxation of business corporations. 437, 17 Je 03
- g **Tenn.** Foreign corporations, associations and joint stock companies required to pay privilege tax of 1-10% on capital stock, also incorporation fee proportional to capital stock [\$100 formerly]. Amending '99 ch.431. 239, 15 Ap 03
- h **Vt.** Amending S. '94 §383 relative to assessment of stockholders in manufacturing, mercantile or trading corporation. 12, 11 D 02
- i **Vt.** Generally amending S. '94 ch.31 relating to taxation of corporations. 19p. 20, 16 D 02
- j **W. Va.** Generally amending C. ch.53 §11, 56, ch.54 §21, ch.32 §86-91 and adding §85a regulating license tax on corporation charters: classification of domestic corporations; auditor may appoint state agent to collect license tax; appeal to Board of Public Works; report of foreign corporations; release of same from payment of tax; delinquent corporations; proceedings. 3, 18 F 03
- k **W. Va.** Attorney general to institute suits for forfeiture of charter of corporations for nonpayment of license tax; proceedings. 4, 28 F 03

### Incorporation and license fees and taxes

- a **Cal.** Incorporation fees: \$15 to \$100 if capital stock is less than \$1,000,000 and \$50 additional for every \$500,000 or fraction thereof above \$1,000,000; \$5 for corporations without capital stock; \$15 for cooperative associations. Amending P. C. §416. 24, 13 F 03
- b **Ct.** Amending G. S. '02 §10 relating to preliminary printing and franchise fees for special charters. 152, 9 Je 03
- c **Ill.** Amending '99 p.117 relating to incorporation fees. p.134, 14 My 03

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- d Ind. Amending '01 ch.265 §2 as to license fees of for-  
porations. 127,
- e Mon. Fixing incorporation fees of corporations not c  
for profit. 43,
- f Mon. Amending P. C. §410 as to incorporation fees.  
127,
- g N. C. - Bill introduced for incorporation or amendment  
of private corporation to be accompanied by receipt show-  
ing organization tax has been paid. Amending '01 ch.2 §97.  
93
- h S. C. Secretary of state to receive \$25 fee for issuing c  
building and loan association. 42,
- i Tenn. Corporation acquiring by lease, purchase, consoli-  
merger, property of other corporation to pay privilege tax  
on outstanding capital stocks of corporation acquired;  
tax was levied on capital stock of both corporations. A  
'01 ch.128 §10. 398,
- j Vt. Amending '98 ch.19 §3 relating to charter fees; ex-  
from provisions village improvement societies and ceme-  
teries. 67,
- k Wash. Fee of secretary of state for filing articles of in-  
corporation, 15c a folio. 151,

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**Banking institutions**

*See also Banking, 1677*

- a Ct. Amending G. S. '02 §2422 relating to tax on saving  
returns; tax of  $\frac{1}{4}\%$  [formerly  $\frac{1}{8}\%$ ] on deposits less  
deductions. 189,
- b Ill. Amending R. S. '01 ch.120 §30, 35 relating to tax  
banks: valuation of shares. 294,
- c Ind. Fixing time for valuation and assessment of s  
banks, *banking associations and trust companies*. Amending  
§60-61. 148,
- d Me. Modifying rule for determining value of franc  
savings banks, to be used as basis for state tax; exem-  
ing general assets and cash increased from two sevenths to t  
of amount; proviso. Amending '93 ch.258 §1-2. 9,
- e Me. Amending '01 ch.286 levying state tax of  $\frac{1}{2}\%$   
deposits of banking and trust companies and *deposits bear*  
*more* interest, less United States bonds, and shares of exe-  
cutions [formerly real estate was exempt from tax]; ta-  
x due 15th of June and December; procedure in case  
of payment. 175,
- f Me. Appropriating one half taxes received from trust a  
ing companies to school fund, one half to state. 228,
- g N. H. Building and loan associations to pay tax of  $\frac{3}{4}\%$  c  
stock or shares, less value of real estate and mortgages; t  
refunded to town or city where association is located. F  
P. S. ch.65 §7. 126,

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- 1 **N. M.** Exempting building and savings and loan associations from taxation of mortgages on real estate listed for taxation by owners. Amending '01 ch.67. 68, 14 Mr 03
- 1 **N. Y.** Value of each share of stock of bank in liquidation to be ascertained for purposes of taxation by dividing assets by outstanding shares. Amending tax law '96 ch.908 §24. 267, 24 Ap 03
- 1 **N. C.** Taxation of banks. 275, 9 Mr 03
- 1 **N. D.** Aggregate capital, surplus and undivided profits of bank *in excess of 5% of loans and discounts* to be assessed after deducting value of real estate *excepting real estate sold on contract providing that purchaser shall pay tax*. Amending R. C. '99 §1899. 159, 12 Mr 03
- 1 **Or.** Fixing place of assessing stock of national banks and of private banks, loan and trust companies. p.286, 24 F 03
- 1 **Wash.** Shares and stock of bank to be taxed in city or town where bank is located after deducting capital invested in real estate. Amending '97 ch.71 §21. 83, 12 Mr 03
- 1 **Wis.** Providing for taxation of shares of stock of *incorporated* banks and *capital* [formerly capital stock] of *private banks* [formerly persons engaged in banking]; statement of stock or capital to be made to assessor; value of real estate to be deducted from value of stock or capital; taxes to be prior lien on shares. Amending S. '98 §1042, 1051, 1057. 72, 3 Ap 03

#### † Insurance companies

*See also Insurance, 1730*

- a **Cal.** Tax of 2% on foreign insurance companies excepting life insurance; to be assessed on gross premiums excluding return premiums and reinsurance in companies authorized to do business in California. Adding §622a to P. C. 260, 21 Mr 03
- b **Ct.** Amending G. S. '02 §2451-52 relating to returns of gross amount of premiums and payment of tax thereon. 34, 23 Ap 03
- c **Ct.** Increasing fees for filing copies of charters and annual statements of foreign surety companies. Amending G. S. '02 §3651. 35, 23 Ap 03
- d **Ct.** State tax on corporate franchise of mutual fire insurance companies  $\frac{1}{4}\%$  [formerly  $\frac{3}{4}\%$ ] on amount of assets after deduction of liabilities, property otherwise taxed etc. Amending G. S. '02 §2445. 139, 29 My 03
- e **Ct.** Amending G. S. '02 §2444 relating to returns of mutual fire and life insurance companies for purposes of taxation. 183, 18 Je 03
- f **Ct.** Amending G. S. '02 §2446 as to basis of computation for state franchise tax on mutual life insurance companies. 184, 18 Je 03
- g **Ill.** Superintendent of insurance may, under certain conditions, license agent to write policies in fire insurance companies not authorized to do business in state; annual license fee, \$25; 2% tax on gross premiums. p.221, 14 My 03



- h **Mass.** Amending R. L. ch.14 §24 relating to returns to be n  
by life insurance companies to tax commissioner. 307, 4 M
- i **Mich.** Foreign fire and marine insurance companies to  
annually specific tax of 3% on gross amount of premiums; *reins*  
*companies to pay same rate of tax on portion of risk reinsured.* Amen  
C. L. '97 §7257. 164, 28 M
- j **Mich.** Amending C. L. '97 §3834 as to tax on real estate of ir  
ance companies; *legal reserve* to be included in liabilities.  
235, 18 J
- k **Mon.** Providing tax on excess of premiums of insurance  
porations; no other taxation except on real estate and fees. ( §681. *Unconstitutional* as exemption from taxation. Legislature  
not relinquish power to tax corporations. Northwestern Mut.  
Ins. Co. v. Lewis and Clarke County, 72 P. 982.
- l **N. J.** Tax paid on premiums of foreign insurance compan  
be in lieu of franchise taxes. Amending '02 ch.134 §65.  
236, 8 A
- m **N. Y.** Levying tax of 1% on premiums or assessments of for  
life insurance company not authorized to do business in s  
company to file annual report with superintendent of insura  
distribution of proceeds of tax for benefit of firemen; pen  
Adding §133a-d to '92 ch.690 art.3. 530, 9 M
- n **N. D.** Foreign fidelity insurance corporations to pay tax of  
on gross receipts. 113, 10 M
- p **S. D.** Amending C. C. '03 §725 relating to taxation of m  
benefit insurance companies; *state auditor* [formerly state con  
sioner of insurance] to receive tax receipts and issue certifi  
exemptions. 67, 19
- q **Tenn.** Foreign insurance companies, on expiration of licen  
on ceasing to transact new business to pay same tax on bus  
remaining in force as domestic companies of same class; penal  
442, 13 A
- r **Tex.** Mutual fire, storm and lightning insurance companie  
pay tax of ½% of gross premiums. 109, 3 A
- s **Wis.** Annual report of life insurance corporations to con  
statement of railroad *and other* bonds owned; market value  
*certain day and average for reasonable time* to be given. Amen  
S. '98 §1954 subdiv.8. 237, 13 M

#### 845 Transportation and transmission corporations

*See also* Transportation, 1200

- a **Ari.** Relating to collection of railroad taxes. 54, 19 M
- b **Ct.** Amending G. S. '02 §2427 relating to returns for taxatio  
railroad corporations as to railroad stock held in other states.  
173, 11
- c **Ga.** All sums paid county or municipality by holder of fran  
except bridge rental and street assessment to be deducted  
franchise tax. p.18, 17 A

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- d. **Ga.** Tax on special franchises of public service corporations: annual report to comptroller general; rate of tax same as on other property; apportionment to localities. p.37, 17 D 02
- e. **Ind.** Taxation of freight companies: state excise tax of 1% on capital and property otherwise untaxed; appraisal by State Board of Tax Commissioners. Supplementing '01 ch.56. 30, 25 F 03
- f. **Mich.** Minor amendments to '01 ch.173 §6, 8, 10-13 relative to assessment of transportation companies. 45, 23 Ap 03
- g. **Minn.** Submitting to people proposition for 4% tax on gross earnings of railroads in lieu of tax on property of railroad. *Vote November 1904.* 253, 18 Ap 03
- h. **Minn.** Taxation of freight line companies: companies to file annual statement of value of real and personal estate and mileage with state auditor; Board of Appraisers and Assessors, consisting of State Board of Equalization, to determine cash value of property in state; tax levy to be average rate of state and local taxes. 376, 21 Ap 03
- i. **Mon.** Common carriers to procure *state* license from *state treasurer or treasurer of county where principal place of business is located* [formerly each county where business is transacted], paying \$5 to \$225 [formerly \$12.50 to \$187.50] a quarter, according to extent of business. Amending P. C. §4074. 57, 4 Mr 03
- j. **N. J.** Amending '00 ch.195 §4, 6 relative to franchise tax; State Board of Assessors may revise valuations of local assessors and fix valuations of taxing districts failing to make return. 142, 7 Ap; 151, 8 Ap 03
- k. **Wis.** Amending S. '96 §1222e relating to apportionment of license fees of street railway or electric companies operating in 2 or more municipalities. 197, 11 My 03
- l. **Wis.** Taxation of railroads: railroads to make annual report including statement of property, capital stock, mileage, earnings etc.; State Board of Assessment to determine value of railroad property in state and levy tax equal to average property tax for state and local purposes [formerly railroads paid tax on gross earnings]; regulations. Repealing S. '98 §1211-13; amending §1214. 315, 18 My 03
- m. **Wy.** Express companies to be taxed 1% on gross receipts, in lieu of other taxes; assessment by State Board of Equalization; penalty. 111, 28 F 03

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## Mining

- a. **Id.** Taxation of mines and mining claims: to be taxed at price paid to United States unless surface ground is used for other than mining purposes; owners to furnish annual statement showing taxable net profits; verification by assessors; penalty. p.4, 17 F 03

## N. Y. STATE LIBRARY SUMMARY OF LEGISLATION 1903

- b Nev. Referring to Legislature of 1905 amendment to Constitution art. 10 §1 providing for taxation of unpatented mining claims and unworked patented claims. p.240, 20 Mr 03
- c Pa. Coal underlying seated lands situated in two or more counties or townships and not owned by owner of surface land, to be assessed in county or township where located. 256, 27 Ap 03
- d U. Net annual proceeds of coke, bullion and matte made from untaxed coal and ore to be deemed product of mines and taxed as other personal property. Amending R. S. '98 §2504. 91, 12 Mr 03
- e Va. County revenue commissioners to make separate biennial assessment of mineral lands and improvements; regulations; to report to Corporation Commission; commission may apply to Circuit or Corporation Court to correct assessment; appeal. 217, 13 My 03
- f Wis. When title to mineral rights has passed to person other than owner of fee to which rights attach, such rights to become taxable on request of owner of fee. 361, 20 My 03
- g Wy. Providing for taxation of gross product of mines in addition to tax on surface improvements and in lieu of taxes on land; annual statement by owner to show gross and net value of output; valuation to be fixed by State Board of Equalization; penalties. 81, 21 F 03

848

## Budget

849

## General

- a Mo. Providing for 1½ mill tax for state revenue and ¼ mill to pay interest on state indebtedness to public school and seminary funds [formerly 1 mill for payment of all state indebtedness]. Amending R. S. '99 §9122. p.257, 11 Mr 03
- b Neb. General state tax levy may not exceed 7 [formerly 5] mills. Amending C. S. '01 §4358. 74, 8 Ap 03
- c Nev. Fixing state tax levy at ¾ of all taxable property; apportionment among various funds. 82, 14 Mr 03
- d S. C. Joint committee of 3 representatives and 2 senators to be appointed to consider means of putting state on cash basis; report to governor by January 1904. p.355, 20 F 03
- e U. Tax rate to be fixed during [formerly on or before 1st Monday in] July. Amending R. S. '98 §2689. 16, 20 F 03

851

## Appropriation. Limit of expenditure

- a Ga. Submitting amendment to Constitution art. 7 §1 by adding 12: Legislature may levy annual ad valorem tax on property not to exceed 5 mills. Vote October 1904. p.21, 17 Ag 03
- b N. M. If Legislature fails to pass appropriation bill, previous revenue law to remain in force. 108 §12, 19 Mr 03

**853 Accounts, methods generally. Collection of moneys, warrants**

- a** **Id.** Penalty for failure of public officer to keep public record of fees or moneys received and disbursed. Amending '01 p.208. p.282, 10 Mr 03
- b** **Mich.** Amending C. L. '97 §2231-37 regulating accounting of state institutions, boards and commissioners: *deputy or other person* may be designated by auditor general to inspect accounting. 228, 18 Je 03
- c** **Vt.** Simplifying keeping of state accounts: officers to pay gross amount received to treasurer; county clerks and collectors to pay public moneys to treasurer every 3 months; auditor to audit treasurer's accounts semiannually. 156, 12 D 02

**854 Collection of state claims and revenue**

- a** **Ari.** Providing for receipts in triplicate for moneys paid to territorial treasurer. 75, 19 Mr 03
- b** **Ct.** Governor may institute suits on behalf of state. 160, 11 Je 03
- c** **Nev.** Examination of claims for expenses and losses incurred in Indian outbreaks since 1860; approved claims to be forwarded to Secretary of treasury of United States. 110, 17 Mr 03
- d** **Nev.** Governor to appoint special commissioner to secure payment of Nevada war claims against United States. 120, 20 Mr 03
- e** **W. Va.** Governor with consent of Board of Public Works to appoint one or more agents to recover from United States money due to state; contingent fees. j.r.17, 17 F 03
- f** **Wis.** Authorizing attorney general to institute suit to determine rights of state to school lands in Indian reservations. 95, 20 Ap 03

**855 Claims against state**

- a** **Col.** Governor, auditor of state, and attorney general to constitute Board of Control of State Surplus Fund to be used to pay deficiencies incurred in 1897 to 1900 for state institutions; board to pass on claims and approve in order of seniority; regulations. 49, 8 Ap 03
- b** **Ill.** Name of Commission of Claims created in 1877 changed to *Court of Claims*; appointment; powers and duties; biennial report to governor. Amending R. S. '01 ch.26a. p.140, 16 My 03
- c** **N. Y.** Person having credit with state comptroller for taxes collected in excess of amount lawfully due may assign such credit to another person. Amending tax law, '96 ch.908 §195. 642, 22 My 03
- d** **Vt.** Creating Court of Claims, to consist of auditor of accounts and 2 appointees of governor; term 2 years; to determine all claims except those specially provided for by law; biennial report to be included in report of auditor. 38, 39, 12 D 02

- e Wash. Claims against state to be supported by state facts and evidence. 46

## 856

## Examination and audit

- a Ct. Auditors of public accounts to be allowed \$10 a expenses. Amending G. S. '02 §4815. 31,
- b Fla. Creating office of state auditor to examine annual and accounts of state and county officials; salary \$2000 report to Legislature. Repealing '99 ch.188, '01 ch.100. 14,
- c Id. Board of Examiners may not act on any claims over \$5 not itemized and verified by oath and by vouchers. ing '99 p.24 §3. p.373,
- d Mich. Amending C. L. '97 §128 as to form of annual claims to be made by Board of State Auditors. 90
- e N. J. Treasurer to pay salaries of employees of state ment on approval of head of department. 70,
- f N. C. Governor may require Board of Internal Imp to investigate affairs of railroads, *turnpikes, canals and public tions* in which state has an interest; compensation of board ing C. §1689, 1719. 72,
- g N. C. Legislative committee to examine warrants of officials of state institutions. Amending C. §3361. 738
- h N. D. State examiner to examine accounts of *state comm agriculture and labor* on request of county commission governor. Amending R. C. '99 §137. 183
- i Wy. Legislative auditing committee to examine ac auditor and treasurer *from date of last examination by pre mittee* [formerly for 30 days preceding]. Amending R. S. 10

## 857

## Financial officers

- a N. H. Personal liability of state officials or persons c public funds for misapplication or expenditure in excess priation. 71,
- b Tenn. Submitting amendment to Constitution art.7 treasurer and comptroller to be *elected by qualified voters* by joint vote of General Assembly]; term 4 [formerly *Vote November 1904*. 53

## 858 State auditor. Comptroller

- a Ari. Territorial auditor may employ clerk; salary \$125
- b Col. Salary of auditor \$3000 [formerly \$2500]. Am ch.33. 160
- c Mass. Auditor of accounts allowed additional clerical ance. Amending R. L. ch.6 §14, '02 ch.167. 120,
- d N. Y. Fees of comptroller for searching records, 15 book searched and 10c for each subsequent book. Addin to executive law '92 ch.683 §32. 603,

## ADMINISTRATIVE LAW FINANCE

85

- e R. I. State auditor to be elected *triennially* [formerly annually] in *January* [formerly May] session of Legislature in grand committee. Amending G. L. '96 ch.24 §6. 1056, 12 D 02
- 859 State treasurer
  - a Ari. Salary of territorial treasurer \$2500 [formerly \$1000]. Amending R. S. '01 §162. 61, 19 Mr 03
  - b Cal. State treasurer may employ porter. Adding §460 to P. C. 274, 24 Mr 03
  - c Cal. State treasurer may employ 4 [formerly 2] watchmen. Amending P. C. §457. 284, 25 Mr 03
  - d Del. Treasurer to receive 5% of franchise taxes not exceeding \$3000 a year for compensation and clerk hire. 293, 17 Mr 03
  - e Me. Repealing R. S. '83 ch.2 §66, 70 relative to time of submitting treasurer's annual reports to governor and Council. 53, 4 Mr 03
  - f Mass. Salary of 3d clerk in department of treasurer and receiver general, \$1800 [formerly \$1600]. Amending R. L. ch.6 §4. 398, 27 My 03
  - g Neb. Salary of deputy state treasurer \$1800 [formerly no salary from state]. Amending C. S. '01 §5019. 102, 7 Ap 03
  - h N. H. Governor may purchase bond required of deputy state treasurer from reliable surety company. 57, 7 Mr 03
  - i N. D. *Annual* [formerly biennial] report of state treasurer to be published by Nov. 20 [formerly Nov. 15]; contents. Amending R. C. '99 §108 subdiv.10. 187, 10 Mr 03
  - j Pa. Salary of state treasurer \$8000 [formerly \$5000]. 194, 22 Ap 03
  - k S. D. Bond of state treasurer \$500,000 after 1904 [formerly \$250,000]. Amending P. C. '03 §97. 82, 11 Mr 03
  - l U. Amending R. S. '98 §2434 relating to annual report of treasurer. 66, 12 Mr 03
  - m Wis. State treasurer may give bond executed by surety company. Amending S. '98 §153. 101, 21 Ap 03

861

## Funds. Investments

- a Col. Creating state surplus fund, to consist of unexpended balances of biennial appropriations; regulations. 49, 8 Ap 03
- b Minn. State treasurer may borrow from funds having balance of \$600,000 [formerly \$200,000] enough to supply deficiency in revenue funds. Amending S. '94 §353. 199, 14 Ap 03
- c Minn. Moneys collected by state grain inspectors, weighmasters etc. to constitute grain inspection fund. Amending S. '94 §7699. 326, 21 Ap 03
- d Mon. Providing for investment of moneys of certain state funds in state, county, city or school district bonds issued against land grants; notice of issue of such bonds to be given to State Board of Land Commissioners. Repealing '01 p.15. 12, 21 F 03

- e N. H. Securities in which state funds may be invested; governor to appoint committee of Council to examine. 125, 2 Ap 03
- f S. D. State tax funds to be consolidated; certain money to be placed to credit of general fund. 72, 6 Mr 03
- g U. Public land fund may be invested in certain state notes. Amending '99 ch.64 §34. 62, 12 Mr 03
- h U. Amending R. S. '98 §3974 relating to payment of estate funds held in trust by state treasurer. 78, 12 Mr 03
- i U. Providing for investment of redemption fund for certain state bonds in state, county, municipal or school district bonds. 110, 12 Mr 03
- j Wy. State land funds may be invested in registered *coupon* county or municipal bonds; school funds not to be invested in latter. Amending R. S. '99 §88. 30, 18 F 03

862

**Reports**

- a S. C. State treasurer to publish quarterly statement of money on hand and where deposited. 14, 23 F 03

864

**Warrants**

- a Kan. State warrants presented for redemption and unpaid for lack of funds to bear 4% [formerly 7] interest. Amending G. S. '01 §7253. 53, 26 Je 03
- b Minn. Governor, auditor and treasurer may contract with bank to pay warrants issued by auditor not over \$150,000 [formerly \$100,000 with interest not exceeding 5% [formerly 6]. Amending S. '94 §519. 233, 14 Ap 03
- c Neb. Rate of interest on school warrants in cities over 5000, 5 [formerly 7]; on warrants drawn by state officers, 4% [formerly 5]. Amending C. S. '01 §3504. 54, 10 Ap 03

865

**Debts. Bonds**

- a Ark. Submitting constitutional amendment by adding art.16 prohibiting loan of credit by state or local division and regulating issue of bonds by local divisions. *Vote November 1904.* p.484, 8 Ap 03
- b Kan. Governor to appoint commissioner to hold office till Sep. 1904, to examine outstanding union military scrip; governor, auditor and commissioner to prepare classified list and report to Legislature of 1905 on plan for payment of scrip; \$2200. 46, 13 Mr 03
- c Kan. Authorizing refunding of certain state bonds. 71, 11 Mr 03
- d Me. Repealing R. S. '83 ch.2 §21, 22 relative to sinking fund. 53, 4 Mr 03
- e Mass. Authorizing treasurer, with approval of governor and Council, to issue bonds or scrip on serial payment plan, instead of establishing sinking fund; issues of bonds for metropolitan district excepted. 226, 13 Ap 03

## ADMINISTRATIVE LAW FINANCE

865-68

- Mass.** Moneys received from United States in payment of claims for expenses in connection with Civil War to become part of sinking fund for reduction of public debt. 471, 24 Je 03
- Nev.** Period of state loan of 1893 extended 10 years. Supplementing '03 ch.104. 72, 13 Mr 03
- N. M.** Amending '01 ch.90 §11 relative to refunding territorial indebtedness. 67, 14 Mr 03
- N. Y.** Submitting amendment to Constitution art.7 §4 by adding §11: Legislature may pay from funds in treasury sinking fund charges, interest and principal of debts heretofore and hereafter created; if other funds suffice, no direct annual tax need be imposed. *Vote November 1905.* p.1451, 22 Ap 03
- N. Y.** Referring to Legislature of 1905 amendment to Constitution art.7 §4 relating to creation and payment of state debts; direct annual tax to be levied to pay annual interest charge, and principal within 50 [formerly 18] years from date of contraction. p.1454, 22 Ap 03
- N. C.** Extending time for commutation and compromise of state debt to 1905 [formerly 1903]. Amending '01 ch.126. 39, 27 Ja 03
- N. C.** State treasurer may issue \$300,000 bonds to pay indebtedness arising out of appropriations for educational and charitable purposes, etc. and to continue such works. 750, 9 Mr 03
- Tenn.** Repealing '83 ch.132 §1 as to interest on state debt proper bonds, when past due. 132, 18 Mr 03

## Deposits and depositories

- Ga.** In each city of 6500, among those designated as state depositories by C. §982 and amendments, governor may choose 2 banks [formerly 1]. Amending C. §982. p.28, 12 Ag 03
- Ga.** Governor to *fix and* approve bonds of state depositories; bonds to be *not less than amount of deposit* [formerly, \$50,000]; additional bonds. Amending C. §985. p.32, 17 Ag 03
- Id.** Creating Board of Deposits to select state depositories; depositories to execute bond or deposit certain securities; minimum rate of interest 2%; preference to be given to banks in state. p.375, 4 Mr 03
- N. H.** Treasurer may deposit public moneys in banks in New Hampshire or Massachusetts; governor to appoint committee of Council to examine. 125, 2 Ap 03
- S. C.** Banks having state funds on deposit to render quarterly statement to treasurer showing balances to credit of state. 13, 23 F 03
- Wis.** State depositories may, in lieu of giving bond, deposit municipal, county, state or United States bonds, or bond of surety company, 50% greater in value than moneys to be deposited. Amending S. '98 §160a-c. 233, 13 My 03



870

**Public order**

*See also* Crimes and offenses, 234; Public order (railroads), 1332; Public railways, 1374

872

**Police**

*See also* Police (railroads), 1334; Police (street railways), 1374; Police 1817

873

**Peace officers**

*See also* Constable, 663; Sheriff, 691

- a **Ill.** Chautauqua associations at annual assemblies may special police officers. p.157,
- b **Me.** Fixing penalties for assaulting or obstructing officer in discharge of duties. 151,
- c **Mon.** Penalty for neglect on part of peace officer in offense is being committed to attempt to make arrest. 111

874

**State and county police**

- a **Ari.** Amending R. S. '01 §3213, 3217, 3226-27 relating to Rangers: 1 lieutenant, 3 sergeants and 8 privates added to increase of salaries; free medical treatment; pack animals. 64,
- b **Ct.** Abolishing state fire marshal and transferring police duties to State Police Department, consisting of 5 commissioners; appointment; commissioners to elect superintendent and assistant; appoint from 5 to 10 state policemen on recommendation of superintendent; powers and duties; bribery; penalties; annual report; repealing G. S. '02 §76-78, 170-72 and amending §173-75, 481 141,
- c **Mass.** Amending '02 ch.142 §2 relating to Department of Police: powers of members of fire marshal's department; to appoint deputy chief of detective department. 365,
- d **S. C.** Amending C. C. §661 relating to state constables and to enforce dispensary laws. 12,

875

**Municipal police**

- a **Cal.** Members of police department in cities of classes 1 and 2 may not be employed over 8 hours a day except in emergency cases. 46
- b **Cal.** Amending '83 §880 as to fees of city or town marshal. 24,
- c **Ill.** In cities of 7000 to 100,000, mayor with consent of board to appoint bipartisan board of fire and police commissioners of 5 members, for 3 years; powers and duties; members of department appointed on examination; board to remove only for cause on appeal; annual report to mayor; provision for referendum. p.97,
- d **Me.** Repealing R. S. '83 ch.25 §1-10, 13, 14 relating to ward in towns. 49,
- e **N. J.** Providing for appointment of clerks to city board of police commissioners. 148,

## ADMINISTRATIVE LAW PUBLIC ORDER

875-87

- f **Tex.** Council of city or town under 3000 may dispense with office of marshal *and confer duties on any peace officer*. Amending R. C. S. art.483a. 87, 31 Mr 03

## 876 Pensions

- a **Mass.** Amending R. L. ch.108 §29-30 relating to police pensions in cities [formerly over 75,000]: repealing provision for service pensions. 428, 16 Je 03
- b **Mo.** Submitting amendment to Constitution art.4 §47: Legislature may authorize cities of 100,000 to provide pensions for disabled and superannuated policemen and relief for their widows and minor children. *Vote November 1904.* p.279, '03

## 877 Miscellaneous police regulations

*See also Crimes against public order and security, 256; Crimes against public moral and the family, 264; Nuisances, 1065; Public safety, 1090; Highway regulations, 2722*

## 879

## Amusements

*Relating chiefly to restricted amusements*

- a **S. D.** Board of trustees of incorporated town may regulate places of public amusement. 94, 28 F 03

## 881

## Billiards, bowls etc.

- a **Me.** Extending provisions of '01 ch.194 relating to bowling alleys and pool rooms, to bagatelle and billiard rooms. 69, 11 Mr 03
- b **N. J.** Misdemeanor for proprietors of pool or billiard rooms to permit gaming by minors under 16 or allow latter to gather in rooms. Supplementing '98 ch.235. 255, 14 Ap 03

## 883

## Gambling. Lotteries. Betting

- a **Kan.** Misdemeanor to keep slot machine. 223, 15 Mr 03
- b **N. J.** Misdemeanor to play for money with slot machines or similar devices. Supplementing '98 ch.235. 130, 7 Ap 03
- c **S. D.** City council may suppress gambling houses: may enter building and destroy property. Amending P. C. '03 §1229 subdiv.34. 155, 24 F 03
- d **Va.** Prohibiting keeping or exhibiting of slot machine gambling devices; penalty. 111, 28 Mr 03
- e **Wash.** Felony to maintain gambling resort. 51, 7 Mr 03
- f **Wash.** Misdemeanor to maintain slot machine operated for any thing of value whatever. Amending '01 ch.149. 52, 7 Mr 03
- g **Wis.** Bucket shops and bucket shopping defined and made a crime. 350, 21 My 03

## 885 Lotteries

- a **Ind.** Fine for dealing in or allowing property, owned or leased, to be used for lotteries. Amending '81 ch.37 §171. 151, 9 Mr 03

## 887 Poolselling, bookmaking etc.

- a **Tenn.** Misdemeanor to keep pool rooms where bets are made on horse races, not run on licensed track. 510, 2 Ap 03
- b **Tex.** Prohibiting betting on horse races; penalty. 50, 23 Mr 03

## 889

## Prize fighting

- a Cal. Amending Pen. C. §412 relating to sparring exhibit prize fights. 283, 2
- b Ct. Defining prize fighting. 157
- c Ct. Amending G. S. '02 §1282 fixing maximum penalty fighting at 5 years' imprisonment or \$1000 fine. 158

## 893

## Shows. Theaters. Exhibitions

- a Kan. Misdemeanor to give exhibition consisting of pretending to eat snakes, scorpions etc. 222
- b Mich. Misdemeanor to exhibit deformed human being eased human bodies except for medical purposes. 103, 1
- c Pa. Misdemeanor to manage or participate in athletic lasting over 12 hours in a day. 125,
- d Tenn. Prohibiting speculation in theater tickets; pena 545,
- e Wis. Amending S. '98 §1574, '01 ch.341 §3 relative to of public showmen; exception where bond given with su exhibit only at fairs receiving state aid. 393, 2

## 895

## Cruelty to children and animals

- a Mon. Montana Humane Society constituted State B Child and Animal Protection; membership of board of powers and duties; annual meeting and report to secretary publication and distribution of report by state. 115,

## 896

## Cruelty to animals

*See also Teaching of humane treatment of animals, 2302*

- a Cal. Amending '01 ch.123 §6 relating to duties and comp of societies for prevention of cruelty to animals. 63
- b Cal. Misdemeanor to use bristle bur, tack bur or simil on horses. 129,
- c Me. Calves may be transported in separate apartme mothers for period not to exceed 24 hours. Amending ch.124 §35. 10,
- d Minn. Misdemeanor to permit clipped horse, mule animal to stand unsheltered and unblanketed within 60 d clipping between November and May. 283,
- e Minn. Sheriff, constable, village marshal or police off provide for proper care of animal exposed to cold or i weather for over 2 hours. 297,
- f Neb. Wilful, inhuman or unreasonable cruelty to horse sheep, swine or poultry a misdemeanor. Amending C. S. ' 132,
- g Neb. Prohibiting docking horses' tails; penalty. 133,
- h Neb. Prohibiting shooting at live birds just released fro penalty. 134,

## ADMINISTRATIVE LAW PUBLIC ORDER

896-

- i **Nev.** Misdemeanor to confine stock in cars for more than 36 hours without unloading for food and rest for at least 5 hours. 94, 16 Mr 03
- j **S. D.** Corporations for prevention of cruelty to animals may be formed; powers of members; cruelty to animals a misdemeanor; prosecution. 9, 11 Mr 03

898

**Cruelty to children***See* Dependent and neglected children, 2172

900

**Intoxicating liquors. Narcotics**

- a **Mass.** Amending R. L. ch.100 §1 as to sale of cider or wine by makers. 460, 23 Je 03
- b **N. H.** Regulating liquor traffic: creating Board of License Commissioners; classification of licenses; no buildings to be licensed within 200 feet of church or schoolhouse; gradation of fees; debarred licensees; temporary suspension of license by town in riot or great public excitement; acceptance of act by local authorities; resubmission of question, every 4 years. 12p. 95, 27 Mr 03
- c **S. D.** Amending P. C. '03 §2856 relating to granting of liquor licenses: question to be submitted to voters on petition of 25 *freeholders* [formerly voters] of civil division. 166 '03
- d **Vt.** Submitting to vote of the people general liquor law abolishing state prohibition and providing for local option: annual vote on local option; towns to determine kinds of licenses; town license commissioners; organization, powers and duties; classification of licenses; fees; issue and revocation; prosecution; penalties; analysis of liquors by State Laboratory at Burlington. 21p. *Adopted February 1903.* 90, 11 D 02
- e **Wis.** Commissioner of labor to collect statistics on manufacture, sale, and consumption of liquors in state; penalties for refusal to give information. 418, 22 My 03

902

**Prohibition****903 Dispensary**

- a **S. C.** Amending C. C. §661 relating to state constables appointed to enforce dispensary laws. 12, 19 F 03
- b **S. C.** Amending Crim. C. §557 as to contracts for supply of liquor to state dispensary. 76, 2 Mr 03
- c **S. C.** Majority of voters may by petition prevent location of dispensary in township designated by county board, *and such township may not be designated for 2 years thereafter.* Amending Crim. C. §563. 77, 16 Mr 03

**904 Local option**

- a **Fla.** Prohibiting shipping of intoxicating liquors into county or election district under prohibition, except on order; liability of common carriers and their agents; penalty. 83, 4 Ja 03
- b **Fla.** Legality of election on question of sale of liquor in any county to be tested in Circuit Court; procedure. 142, 29 My 03

- c Mich. Wine and cider may be manufactured in a p  
county and sold at wholesale outside of county. Am  
ch.183 §15. 11
- d N. H. Designating form of ballot and method of  
question of license in cities and towns at general or sp  
tions. 12
- e Okl. Licenses may be granted for sale of liquors out  
incorporated cities, towns and villages on petition of m  
resident freeholders of congressional township. 19,
- f Va. Providing for refunding of license fee, when el  
resulted in prohibition of liquor-selling; procedure. An  
§587. 151
- g Va. Manufacturer may sell wine at wholesale in no-lic  
munities to be transported outside of community by  
carrier: laws not to conflict with local laws. 272,
- h Wis. Special charter cities under 150,000, in case of p  
annexation of territory without license, must submit q  
local option before granting license. Amending S. '98  
div.2. 207,

906 Liquor licenses

907 General and miscellaneous

- a Ct. Amending G. S. '02 §2649 requiring county com  
to pay 10% [formerly 5%] of liquor license fees into count  
104,
- b Del. Amending R. C. p.413 ('73 ch.418 §10 ¶4) requir  
cant for liquor license to take oath *before clerk of peace*. 3;
- c Id. Proceeds of liquor licenses to be divided equall  
municipality and school district. Amending '99 p.192.  
p.43:
- d Ill. Misdemeanor to solicit unlicensed person to keep  
or solicit orders for sale of liquors; county to grant  
solicitors; penalties. p.164,
- e Minn. Proceeds of liquor licenses from townships  
incorporated towns and villages to be divided equall;  
county and township. 201
- f Minn. In case of death of person licensed to sell ir  
liquors, county or municipality may refund to legal rep  
amount proportionate to unexpired term of license. 265
- g Mo. County Court may order payment of county liq  
tax in coin, legal tender or bank notes. Amending R. S  
p.168,
- h Mo. Liquor licenses may not be granted in cities c  
unless petition is indorsed by mayor and president of  
police commissioners. Amending R. S. '99 §2997. p.165
- i Neb. Amending C. S. '01 §3615 relative to licensing  
toxicating liquors. 5

## ADMINISTRATIVE LAW PUBLIC ORDER

907-1

- Nev.** License for concert saloon or dance house \$5000 [formerly \$500] every 3 months, in addition to retail liquor license. Amending '91 ch.99 §124. 11, 26 F 03
- N. H.** State Board of License Commissioners may issue licenses to hotels in unorganized towns. 121, 2 Ap 03
- N. Y.** Excise law: increasing excise tax by one half; state to receive *one half* [formerly one third]; state to pay *one half* [formerly one third] of rebates. Amending liquor tax law '96 ch.112 §11, 13, 25; repealing '97 ch.442. 115, 2 Ap 03
- N. Y.** Miscellaneous amendments to liquor tax law '96 ch.112. 486, 8 My 03
- Or.** Extending provisions of Ann. C. & S. §3854, 3856-58, 3862 relative to sale of intoxicating liquors, to hard cider; licenses to be granted to retail liquor dealers only on petition of majority of voters residing in precinct 30 days preceding petition; procedure. p.169, 24 F 03
- Pa.** In case of death of applicant for license to sell liquor, Court of Quarter Sessions may allow substitution of application by another person; procedure. Supplementing P. & L. Digest '94 p.2700. 198, 23 Ap 03
- S. D.** Amending P. C. '03 §2857 relating to liquor licenses: voters who sign petition must be freeholders; publication of notice of application. 167, 12 Mr 03
- W. Va.** Prohibiting sale of intoxicating liquors without state license; proceedings; penalty. 40, 27 F 03
- Excise boards**
- N. J.** Mayors in cities of 100,000 to appoint bipartisan board of excise commissioners of 4 members for 2 years; salary \$1000; sole power to license hotels, saloons etc.; fees. 189, 8 Ap 03
- Regulations and restrictions**  
See also Adulteration, 998
- Nev.** Increasing penalties for selling liquor to minors or imbeciles or employing minors as barkeepers. Amending C. L. '00 §4827. 103, 16 Mr 03
- Va.** Cities and towns may pass laws regulating liquor traffic as to hours of closing saloons and use of screens. 158, 16 Ap 03
- Minors. Persons to whom prohibited**
- Cal.** Amending P. C. §397 relating to sale of liquor to Indians or habitual drunkards. 85, 9 Mr 03
- Cal.** Misdemeanor to sell liquor to child under 18 or to permit such child to enter saloon or public house where liquor is sold. 240, 20 Mr 03
- Ct.** Minor amendment to G. S. '02 §2706 prohibiting conveying of liquors to certain persons to whom sale of liquor is forbidden. 82, 11 My 03
- Del.** Misdemeanor for liquor seller to furnish habitual drunkard with liquor or allow loitering on premises after written notice. 464, 31 Mr 03

- e **Mass.** Penalty for selling or giving intoxicating liquor to person under control of hospital for dipsomaniacs or inebriates or a hospital for insane. 410, 5 Je 03
- f **Nev.** Prohibiting sale of liquor to Indians. 30, 6 Mr 03
- g **N. M.** Amending C. L. '97 §1271 prohibiting sale of intoxicating liquors to Indians. 30, 11 Mr 03
- h **Pa.** Amending P. & L. Digest '94 p.2716 as to penalty for selling liquor to habitual drunkard within 3 months after notice. 189, 22 Ap 03
- i **S. D.** Amending P. C. '03 §2844 prohibiting selling or giving away liquor to certain persons. 165, 10 Mr 03
- j **Tenn.** Misdemeanor to send minor under 21 to buy or procure intoxicating liquors. 63, 23 Ja 03
- k **Tenn.** Misdemeanor to sell or give to, or procure intoxicating liquors for any inmate of charitable or correctional institution. 175, 27 Mr 03
- l **Tex.** Prohibiting selling or giving intoxicating liquors to habitual drunkard. 51, 23 Mr 03
- m **Va.** Misdemeanor for minor 18 to 21 to misrepresent age to obtain intoxicating liquors. 311, 20 My 03
- n **Wis.** Amending S. '98 §1557 relative to sale of intoxicating liquors to minors etc. 141, 2 My 03
- 912 **Restricted localities**
  - a **Ari.** License not to be granted to sell liquors in less than gallon quantities within 6 miles of grading camps or public works employing 25 men; penalties; proviso. 80, 19 Mr 03
  - b **Ct.** Amending G. S. '02 §2657 removing prohibition on sale of intoxicating liquors within 200 feet of church, school, postoffice, public library or cemetery. 1, 18 F 03
  - c **Fla.** Unlawful to sell liquor within 4 miles of school except in incorporated towns over 500; provisos. Amending '99 ch.22 §1. 84, 23 My 03
  - d **Id.** Prohibiting sale of alcoholic liquors in less quantities than 5 gallons within 5 miles of grading camp or kindred enterprise employing over 25 men; penalty. p.346, 4 Mr 03
  - e **Ind.** Prohibiting saloons within 1 mile of national or state military home or army post. 209, 9 Mr 03
  - f **Mich.** Licensed wholesale liquor dealer may establish warehouse and agency for storage and sale of malted liquors in any locality, except in local option counties where sale prohibited; warehouse tax. \$50 Amending C. L. '97 §5379. 62, 28 Ap 03
  - g **Tenn.** Amending C. §6796, '99 ch.167 §2 prohibiting sale of intoxicating liquors in towns under 5000 [formerly 2000], within 4 miles of schoolhouse. 2, 2 F 03
  - h **Tenn.** Prohibiting sale of intoxicating liquors within 4 miles of any national or confederate soldiers home; penalties. 144, 23 Mr 03
  - i **U.** Prohibiting sale of liquors within 5 miles of camp where 25 or more men are employed on railroad, canal or public work; excepting licensed saloons established 6 months before beginning of work; penalty. 17, 20 F 03

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- j Wash.** Misdemeanor to sell intoxicating liquors within 2000 feet of reform school, normal school, agricultural college or state school for defective youth. 98, 14 Mr 03

**913 Sale by druggists**

- a Ct.** Amending G. S. '02 §2665 relating to sale of liquors by druggists on prescription: penalty for physician or person violating provisions of act. 103, 15 My 03
- b Kan.** Amending G. S. '01 §2454 relating to sale of liquors by drug stores: fee of probate judge for filing affidavits. 339, 13 Mr 03
- c N. D.** Amending R. C. '99 §7594, 7596 and repealing §7599 relative to druggists permits to sell liquor. 82, 19 Mr 03
- d S. C.** Wholesale druggist may sell alcohol to licensed druggist under regulations prescribed by Board of Directors of State Dispensary. Amending Crim. C. §574. 78, 2 Mr 03
- e S. D.** Pharmacists in no-license municipalities to sell liquor only on physician's prescription; penalty. Amending P. C. '03 §2860. 191, 12 Mr 03

**914 Saloons**

- a Ct.** Amending G. S. '02 §2683 relative to screens in liquor saloons. 100, 15 My 03

**915 Sunday sales**

- a Ga.** City authorities may prohibit Sunday liquor-selling; penalty. p.96, 15 Ag 03

**916****Illegal traffic**

- a Ct.** Reducing penalty for entering place to buy intoxicating liquors at unlawful hours. Amending G. S. '02 §2701. 78, 11 My 03
- b Ct.** Amending G. S. '02 §2677 relating to forfeiture of liquor license and bond on conviction of licensee. 99, 15 My 03
- c Fla.** Repealing '01 ch.46 §4 relating to conviction in trial for unlawful sale of liquor. 82, 30 My 03
- d Kan.** Attorney general, county attorney or citizen of county where intoxicating liquors are sold contrary to law may maintain action in name of state to abate and enjoin such nuisance; penalty. Supplementing '01 ch.232. 338, 12 Mr 03
- e Me.** Fine of \$100 and costs or 60 days' imprisonment for depositing or possessing intoxicating liquors with intent to sell same. Amending R. S. '83 ch.27. 170, 26 Mr 03
- f Mass.** Repealing R. L. ch.100 §33 permitting importers of foreign liquors to sell them in original packages. 461, 24 Je 03
- g Minn.** Misdemeanor for owner of real estate to permit unlawful sale of intoxicating liquors thereon. Amending '01 ch.252 §1. 206, 14 Ap 03
- h N. H.** Amending P. S. ch.2 §33, ch.112 §15-17, 23, 28 relative to enforcement of liquor laws: term spirituous liquors to include beverages containing 1% alcohol; *imprisonment* [formerly fine or imprisonment] for illegal sales; penalty for neglect to prosecute 2d offenses; *town agents* [formerly mayor and selectmen] to enforce laws; prosecuting officers designated. 122, 2 Ap 03



- i N. D. Reward of \$50 for arrest and conviction of per-  
ing prohibition law. R. C. '99 §7593-625. 13
- j Tenn. In prosecutions for sale of intoxicating liquo  
miles of schoolhouse, payment of internal revenue tax to be  
evidence of sales. 35
- k Tex. Prescribing punishment for giving prescriptio  
option territory, except physicians in case of sickness kno  
sonal examination. P. C. art.405. *Unconstitutional*. Leg  
ceded local option provision of Constitution. Stephens  
S. W. 1056.
- l Tex. Amending Pen. C. art.402-7 relating to unlaw  
intoxicating liquors in county, justice precinct, *school distric  
or subdivision of county*: procedure; *United States liq  
license to be prima facie evidence*. 4
- m U. Amending R. S. '98 §1247 relative to proceeding:  
liquor licenses. 53
- n Wash. Misdemeanor to maintain place where liquo  
contrary to law; to be deemed common nuisance; abatem
- p Wis. Amending S. '98 §1551, '99 ch.194, '01 ch  
*examination of witnesses* in liquor cases brought before  
peace. 44

921

**Intoxication. Inebriates**

*See also* Guardians of insane and incompetent, 446; Teaching of eff  
and narcotics, 2310

- a N. H. Person may not be drunk to disturbance of f:  
*peace*. Amending P. S. ch.264 §14. :
- b N. C. Extending term, inebriate, to include those w  
use of liquor become violent, cruel or fail to provide  
Amending C. §1671. 54

922 **Institutions. Treatment**

- a N. C. Providing for examination and commitment o  
to private hospital; transfer from state to licensed private ho  
port; procedure. 3
- b Pa. On petition of 2 relatives or friends and aff  
physicians that treatment would be beneficial, Court of C  
sion may commit persons addicted to the use of liquor  
hospital or asylum not to exceed 1 year; security to b  
payment of expenses. 15
- c Va. Justice of peace on complaint of relative or f  
commit to private sanatorium inebriates or persons addicte  
drugs; regulations; appeal. 10

924

**Tobacco**

- a Neb. Prohibiting sale of tobacco *or cigarette paper*  
under 18 [formerly 15] by persons, *firms, associations or c  
penalty*. Amending C. S. '01 §6943-44. 1;
- b U. Misdemeanor for person under 18 to use tobacc  
narcotic. 13

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## 925 Cigarettes

- a **Fla.** Misdemeanor to sell or give cigarettes or their constituents to minor under 18. 44, 5 Je 03
- b **Mo.** Misdemeanor to sell or give cigarettes or cigarette paper to person under 18; fine not exceeding \$100. p.164, 19 Mr 03
- c **Pa.** Misdemeanor to sell cigarettes or cigarette paper to person under 21; fine \$100 to \$300. 110, 4 Ap 03
- d **S. D.** Unlawful to give cigarettes to children under 16. 88, 11 Mr 03
- e **Tenn.** Misdemeanor to keep in stock, give away or otherwise dispose of cigarettes, cigarette paper or substitute therefor. Amending '01 ch.86. 208, 27 Mr 03

## 926

## Opium, cocaine etc.

*See also Sale of poisons, 953*

- a **Fla.** Prohibiting retailing of cocaine except on prescription; penalty. 58, 14 My 03
- b **Ga.** Misdemeanor to sell cocaine except on prescription of physician or dentist; no prescription to be refilled without written consent; exception. p.100, 5 D 02
- c **Ill.** Cocaine and its compounds may be retailed only on prescription of physician for one filling; penalties. Supplementing '01 p.238 §14 and repealing '97 p.138. p.248, 13 My 03
- d **Pa.** Prohibiting sale of cocaine or compounds containing cocaine except on prescription of registered physician, dentist or veterinarian; prescription may not be given to habitual user; penalty. 192, 22 Ap 03
- e **Tex.** Forbidding sale of morphine, opium, cocaine, chloral or their products except on prescription; physician may not give prescription to habitual user except in case of actual sickness; penalties. 115, 6 Ap 03
- f **U.** Misdemeanor for person under 18 to use opium or other narcotic. 135, 23 Mr 03
- g **Wy.** Restricting sale of cocaine, opium, chloral hydrate and derivatives, or other delirifacient drugs; regulating prescriptions by physician; penalties. 98, 23 F 03

## 927

## Mob violence

- a **Ct.** Liability of city or borough for injuries caused by mobs; sheriff's compensation; notice of claim for damages; assessment. 140, 28 My 03
- b **Kan.** Penalty for lynching imprisonment in state prison for not more than 5 years or during life; person convicted of being accessory after fact to be imprisoned for 2 to 21 years; sheriff's office to be vacant after lynching, but governor may reinstate. 221, 11 Mr 03
- c **Mich.** Repealing '99 ch.252 relating to suppression of mob violence. 26, 9 Ap 03

- d N. J. Amending G. S. '95 p.2784 17 as to payment of expenses incurred by official protecting property from mob. 159, 8 Ap 03
- e W. Va. Authorizing governor to investigate and prosecute with aid of attorney general persons guilty of mob violence and lynching. j.r.12, 3 F 03

928

### Prostitution

- a Nev. Prohibiting houses of ill fame within 400 yards of school-house or church. Amending C. '00 §4953. 56, 11 Mr 03
- b N. M. District attorneys to prosecute persons violating law regulating brothels; penalty. Amending '01 ch.84 §5. 113, 19 Mr 03
- c S. D. Prohibiting prostitution and houses of ill fame; evidence; penalties. 154, 26 F 03
- d Wash. Felony to connive at prostitution of wife or to live with, solicit for or accept earnings of prostitute or to permit woman under 18 to enter house of ill fame. 123, 16 Mr 03

929

### Sunday observance

*See also Sunday labor, 302a*

- a Fla. Newspapers exempted from provisions of Sunday laws. 59, 15 My 03
- b Minn. Articles of food may not be sold on Sunday [formerly after 10 a. m.]. Amending S. '94 §6517. 362, 21 Ap 03
- c Or. Amending Ann. C. & S. §1968 permitting theaters to be kept open on Sunday. p.167, 19 F 03
- d S. C. Fruit and vegetable trains may be run on Sunday throughout the year [formerly during April to August]. Amending C. C. §2122. 52, 21 F 03
- e S. D. Penalty for Sabbath-breaking not more than \$10 [formerly \$1]. Amending Pen. C. '03 §49. 206, 6 Mr 03
- f Wash. Barbering on Sunday a misdemeanor. 55, 7 Mr 03

930

## Public health and safety

932

### General supervision

*See also sick and disabled, 216a*

- a Ari. General health law: Board of Health created; powers and duties; local boards; disposal of dead bodies; vital statistics; local health authorities to report to superintendent, and latter to governor biennially. 65, 19 Mr 03
- b Ark. County judges may appoint boards of health consisting of 3 physicians; board may isolate cases of communicable disease. 42, 27 F 03
- c Del. Amending '93 ch.642 §1-3, 7 and adding §11, 12 increasing powers of Board of Health; to exercise full authority as to quarantine; physicians, where no local health officers, to report contagious diseases to board; appointment of special sanitary officer on failure of local authorities to act; increase of appropriations. 327, 19 Mr 03

## ADMINISTRATIVE LAW PUBLIC HEALTH

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**Del.** Amending R. C. p.298-99 ('81 ch.345 §3) and adding §17-21 increasing powers of local boards of health: abatement of nuisances affecting public health; quarantine regulations; regulation of common carriers; penalty. 328, 19 Mr 03

**Ga.** Creating Board of Health; board to supervise matters of public health, to record vital statistics and regulate quarantine exclusively; local boards or physicians where no health authorities to report contagious diseases to board; board to report annually to governor. p.72, 17 Ag 03

**Id.** Amending R. S. §1150-54 relating to county boards of health: county physician; every practising physician to be advisory member of board; precautions against spread of *dangerous* contagious and infectious diseases. p.364, 4 Mr 03

**Ill.** Amending '01 p.91 relating to powers of county boards of health. p.136, 16 My 03

**Kan.** State Board of Health to consist of 9 physicians and 1 *person not a physician*; salary. Amending G. S. '01 §6656-57. 357, 25 F 03

**Mon.** Amending '01 p.80 §6 relating to salary, term of office and duties of secretary of State Board of Health. 108, 6 Mr 03

**Neb.** State Board of Health to have supervision and control of contagious diseases; to investigate conditions, and regulate quarantine; to appoint state health inspector; penalties. Supplementing C. S. '01 §3684-702. 59, 3 Ap 03

**N. M.** Preservation of public health under supervision of Territorial Board of Health: regulation and abatement of nuisances; regulations as to railway cars; quarantine and isolation; vaccination; transportation of bodies; duties of county, city and town health officers; penalties. Repealing '01 ch.17. 103, 19 Mr 03

**N. Y.** Plans for water supply, sewage and garbage disposal of state institutions or buildings to be subject to approval of state commissioner of health; duties of local boards of health under supervision of State *Department* [formerly Board] of Health. Amending public health law '93 ch.661 §20-22, 24-26, 29, 31; adding §13a. 383, 6 My 03

**N. D.** Salary of state superintendent of public health \$1200 [formerly \$900] with \$1500 [formerly \$300] for incidental expenses, including printing of reports and *clerk hire*. Amending R. S. '99 §244. 181, 19 Mr 03

**Okl.** Reorganizing Board of Health; salary of superintendent of public health \$800 [formerly \$500]; reorganization of county boards. Amending S. '03 §301-16. 5, 12 Mr 03

**Or.** Creating Board of Health, to consist of 7 physicians, 6 to be appointed by governor with consent of Senate, together with secretary of board; salary \$5000; powers and duties; county boards; recording of vital statistics; penalty. p.82, 17 F 03

**S. D.** State Board of Health to elect officers; times of meeting. Amending P. C. '03 §240, 242. 217, 6 Mr 03

- r **Tex.** State health officer to regulate sanitation and disinfection of public buildings, railway coaches and sleeping cars. 114, 6 A
- s **U.** Salary of secretary of State Board of Health \$2000 [formerly \$1000]; local board of health to quarantine and disinfect persons infected with contagious diseases; to report annually to State Board of Health. Amending R. S. '98 §1102, 1107-8. 102, 12 Mr
- t **Vt.** Revision of health laws. 9p. Repealing S. '94 ch.193, ch.91. 113, 10 D
- u **Wash.** County commissioners and health officer appointed them to constitute county board of health for control of dangerous contagious and infectious diseases; jurisdiction not to extend to cities over 20,000; health officers to report cases of dangerous diseases to county board and to State Board of Health; physicians to report to county board; health officer may quarantine. 65, 12 Mr
- v **Wash.** Salary of secretary of State Board of Health \$1 [formerly \$100] and expenses. Amending '97 ch.96 §1. 66, 12 Mr
- w **Wis.** 1000 copies of annual report of State Board of Health to be bound separately from public documents. Amending S '98 §33. 355, 20 My
- x **Wy.** Amending and supplementing '01 ch.55 relating to Board of Health: salary of members \$200 each; to investigate sanitary condition of city on petition of 20 taxpayers; claim for medical service lien on property of person treated for infectious disease; liability of counties. 94, 23 F

934

### Local boards and officers

- a **Ct.** Amending G. S. '02 §2531 relative to appointment and removal of city and borough health officers. 181, 18 Je
- b **Mich.** Amending C. L. '97 §4411 as to compensation allowed Board of Health to local health officers. 101, 14 My
- c **Neb.** Amending C. S. '01 §37461 relating to county board of health: one member to be physician. 62, 20 F
- d **N. J.** State Board of Health constituted Examining Board of Health Officers and Sanitary Inspectors; to license on examination and grading of licenses; after 1904, local authorities to appoint only local health officers and sanitary inspectors. 215, 8 A
- e **N. D.** Amending R. C. '99 §250 relative to compensation of members of county boards of health and physicians employed by them. 40, 19 M
- f **N. D.** Amending R. C. '99 §273 as to expenses of local boards of health payable by county. 41, 5 M
- g **Pa.** Disqualifying members of council and qualifying school directors and constables to serve on municipal board of health. Amending '95 ch.124. 100, 3 A
- h **S. D.** Amending P. C. '03 §252 as to compensation of superintendent of county health board. 102, 10 M

## ADMINISTRATIVE LAW PUBLIC HEALTH

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## State laboratories

- a Me. Board of Health to establish and equip Laboratory of Hygiene for bacteriological examination of water supplies, milk and food products and cases of infectious diseases. \$3000 for equipment; board to appoint director; salary \$3000. Annual report to board. 213, 28 Mar 03
- b N. H. \$5000 annual appropriation for maintenance of State Laboratory of Hygiene. Repealing '01 ch. 16. 21, 21 Mar 03

939

## Vital statistics

*See also Family and Burial*

- a Ct. Reports of selectmen, inspecting premises where infants are boarded, to be filed with town register of vital statistics [formerly clerk]. Amending G. S. '02 §2554. 22, 12 Apr 03
- b Ill. Vital statistics: revising law relative to recording of births and deaths. Repealing '01 p. 301. 235, 6 May 03
- c Me. Amending '91 ch. 18 §4, 11, 19 relating to returns of vital statistics. 180, 27 Mar 03
- d Me. Town records of births, marriages and deaths prior to 1892, verified by Maine Historical Society, to be purchased by state; distribution; annual expenditure limited to \$500. 203, 28 Mar 03
- e Mass. Clerks of cities and towns to make ~~yearly~~ [formerly yearly] reports of deaths to secretary of state. Amending R. L. ch. 29 §18. 305, 4 May 03
- f Nev. District judge to instruct grand jury as to statutes relating to records of births, deaths and marriages. Amending '01 ch. 11 §1. 31, 6 Mar 03
- g N. D. Miscellaneous amendments to R. C. '99 §274a-g relative to collection of vital statistics. 205, 10 Mar 03
- h Tex. Establishing Bureau of Vital Statistics under State Quarantine Department and changing name of latter to Department of Public Health and Vital Statistics; recording of vital statistics; fines. 135, 1 Apr 03
- i Vt. Revision of laws regulating registration of vital statistics. 8p. Repealing S. '94 ch. 137, '96 ch. 56, '98 ch. 59. 114, 6 Dec 02
- j Wis. Amending S. '98 §1023a, 1024b, '99 ch. 250 as to return and registration of births and deaths by town or village clerk. 415, 22 May 03

940

## State control of medicine

*See also* Medical schools, 2348; Veterinary practice, 1555

943

## License to practise

944

## Medicine

- a Ari. Amending R. S. '01 §3526-31 relative to practice of medicine: members of Board of Examiners to be appointed by governor *with consent of Council*; increasing requirements for practice; 5 years' previous practice required of examinees; designating subjects of examination; penalties. 50, 19 Mar 03

- b **Ark.** Creating Homeopathic State Medical Board, Eclectic State Medical Board and State Medical Board of Arkansas Medical Society, to consist of 7 members each, 1 from each congressional district to be appointed by governor on recommendation of respective state societies; term 4 years; to issue certificates to practise on examination; annual reports to governor. 22, 17 Mr 03
- c **Ark.** Prohibiting physicians from advertising improperly or from committing or aiding in abortion; habitual drunkards may not practise medicine; penalty. 178, 29 Ap 03
- e **Ct.** Amending G. S. '02 §4715 relative to practice of medicine: applicant of other state, showing examination certificate of equal grade, may obtain certificate of approval from Examining Board: reexaminations. 71, 6 My 03
- f **Kan.** Secretary of State Board of Medical Registration and Examination may issue temporary permits to practise to graduates of medical colleges and to persons licensed by boards of registration in other states. 358, 12 Mr 03
- g **Me.** Repealing R. S. '83 ch.13 §9 requiring irregular practitioners to obtain certificate of character to collect bills. 44, 4 Mr 03
- h **Mich.** Amending '99 ch.237 relating to Board of Registration in Medicine: membership qualifications; to license *on examination* graduates of colleges requiring for entrance diploma of approved high school and 4 [formerly 3] year courses of 7 [formerly 8] months each; increase of fees. 191, 4 Je 03
- i **Mo.** Graduates from medical college matriculated before Mar. 12, 1901 exempt from examination for practice of medicine or surgery. Amending '01 p.207. p.240, 21 Mr 03
- j **Mon.** Amending P. C. §602 relating to qualifications for practice of medicine and surgery: licensed practitioners of other states and previous practitioners within state exempt from examination; fees. 13, 23 F 03
- k **Mon.** Refusal or revocation of certificate to practise medicine or surgery by Board of Medical Examiners may be appealed to District Court *and tried by jury of 6 physicians.* Amending P. C. §603. 95, 6 Mr 03
- l **Neb.** Certificates to practise medicine to be granted by State Board of Health on approval of diploma *and examination*; latter to be conducted by secretary representing same school of practice; fees. Amending C. S. '01 §2090, 3093, 3702 and repealing §3692. 60, 3 Ap 03
- m **Neb.** Amending C. S. '01 §3097 designating causes for which certificate to practise medicine may be revoked by State Board of Health. 61, 10 Ap 03
- n **N. H.** Summer hotel physicians to be licensed. Amending '97 ch 03 §11. 1, 27 Ja 03

## ADMINISTRATIVE LAW PUBLIC HEALTH

- p N. H.** Amending '97 ch.63 §7 as to requirements for examination to practise medicine: diploma of registered college may be substituted for 1st year of medical training. 115, 2 Ap 03
- q N. J.** Amending '94 ch.306 §3, 4, 9 relating to practice of medicine and surgery: medical college graduates must have attended 4 lecture courses of 7 months each in 4 different years [formerly 3, in 3 years]; provisos. 228, 8 Ap 03
- r N. M.** Amending '01 ch.18 and repealing §3 regulating practice of medicine: Board of Health, to consist of 7 practising physicians [formerly number from each school of medicine fixed]; to license on approval of diploma [formerly or on examination]; medical colleges to be approved must have had 10 years' existence, require for graduation 4 year courses, and for admission, education sufficient to enter high school; admission by license from other states; reciprocal provisions. 40, 12 Mr 03
- s N. C.** Amending C. §3122 defining practice of medicine and surgery: applicant of other than regular school to be examined only on subjects taught in own college; proviso. 697, 9 Mr 03
- t Okl. Territorial Board of Health** [formerly superintendent and 2 appointees of board] to serve as Board of Medical Examiners; to license to practise on approval of diploma or on examination with 10 [formerly 5] years' previous practice; fees; penalties. Amending S. '03 §314. 5 §5-7, 12 Mr 03
- u Or.** Amending Ann. C. & S. §3796 whereby practitioners showing certificate of examining board of other state may be licensed to practise medicine on payment of registration fee; reciprocal provisions. p.90, 17 F 03
- v S. D.** Regulating practice of medicine: creating Board of Medical Examiners; to license on examination graduates of colleges requiring 4 year courses of 26 weeks each; graduates prior to 1898 exempt; itinerant physicians to obtain additional license; fees; penalties; state's attorney to prosecute. Repealing P. C. '03 §254-60. 176, 5 Mr 03
- w Tenn.** Amending '01 ch.78 §9 prohibiting issue of temporary licenses by Board of Medical Examiners. 78, 11 Mr 03
- x Vt.** Amending S. '94 §4633, '00 ch.39 allowing licentiates of other states to practise where equivalent requirements for registration; reciprocal provisions; fees. 109, 11 N 02
- y Va.** Defining practice of medicine: applicant professing system not requiring drugs to be exempt from examination on materia medica. Amending C. §1747, 1750, '00 ch.1148. 168, 23 Ap; 169, 24 Ap 03
- z Wis.** Medical colleges, to be approved by Board of Examiners, after 1906 must require for entrance, preliminary education equal to graduation from high school [formerly sufficient to enter junior year]; increase of fees; practitioners from other states admitted on paying registration fee; salary of secretary of board, \$1000 [formerly \$800]. Amending '97 ch.264, '99 ch.87 and '01 ch.306. 426, 22 My 03



**946 Optometry**

- a Cal.** Regulating practice of optometry: creating Board of Examiners in Optometry; to license on examination; previous practitioners exempt on payment of registration fees; annual renewal; penalties. 234, 20 Mr 03
- b Nev.** Diploma from optical college and license from state comptroller necessary to practise optical profession; physicians and persons engaged in optical profession in Nevada for one year, excepted. 48, 9 Mr 03
- c N. D.** Regulating practice of optometry: creating Board of Examiners; license on examination; practitioners on registration to be exempt; annual renewal; fees; penalties. 130, 4 Mr 03

**947 Osteopathy**

- a Ark.** Creating Board of Osteopathic Examiners, to consist of 5 members appointed by governor for 4 years; to license graduates of osteopathic school requiring 4 terms of study of 5 months each, or applicants on examination; fees; penalties; annual report to governor. 173, 27 Ap 03
- b Mich.** Regulating practice of osteopathy: creating Board of Osteopathic Registration and Examination; to license graduates of colleges requiring preliminary education equal to high school course and 3 years' study of 9 months each; exemptions; fees; penalties. 162, 28 My 03
- c Minn.** Regulating practice of osteopathy: creating Board of Osteopathic Examiners and Registration; to license on approval of diploma and examination; after Mar. 1, 1903, graduate must have taken 4 courses of 5 months each in approved college; after Sep. 1, 1905, 3 courses of 8 months each; proviso; fees; penalties; county attorney to prosecute. 369, 21 Ap 03
- d Mo.** Regulating practice of osteopathy: creating State Board of Osteopathic Registration and Examination; to license graduates of colleges requiring 4 terms' study of 5 months each; examinations may also be required; exemptions; fees; penalties. p.248, 27 Mr 03
- e N. M.** Osteopathy: graduates of colleges of osteopathy in United States or Europe requiring 4 terms of 5 months each admitted to practise, on recording diploma with affidavit with probate clerk of county; penalty. 90, 18 Mr 03
- f Okl.** Regulating practice of osteopathy: creating Board of Osteopathic Registration and Examination; to license on examination graduates of colleges requiring preliminary education equal to high school course and 4 courses of 5 months each; exemptions; fees; penalties. 22, 17 Mr 03
- g Vt.** Amending '96 ch.99 §1 allowing graduates of Boston Institute of Osteopathy to practise in state. 110, 10 D 02
- h Wis.** Osteopathic colleges, to be approved by Board of Medical Examiners, after 1904 must require for graduation 3 courses of 8 [formerly 7] months each, and after 1909, 4 courses of 7 months. 426 §3, 22 My 03

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p8

**Dentistry**

- a **Ari.** Creating *Board of Dental Examiners* [replacing Board of Registration in Dentistry created in 1901], to consist of 5 members appointed by governor for 4 [formerly 3] years; to license only on examination; conditions of admission for graduates, apprentices and licentiates of other states; fees; annual renewal; penalties. Repealing R. S. '01 §3532-50. 28, 17 Mr 03
- b **Cal.** Amending '01 ch.175 relating to practice of dentistry: registration; requirements for examination; fees; revocation of license; penalties. 244, 20 Mr 03
- c **Ind.** Any person with satisfactory diploma or 5 years' experience in dental office entitled to examination before State Board of Dental Examiners; appeal. Amending '99 ch.211 §4 and repealing §6, 18. 202, 9 Mr 03
- d **Kan.** Board of *Dental Examiners* to consist of 3 [formerly 4] practising dentists; fees. Amending G. S. '01 §6618-27. 227, 24 F 03
- e **Me.** Repealing '91 ch.43 §6 allowing secretary of Board of Dental Examiners to grant temporary permit. 95, 13 Mr 03
- f **Mass.** R. L. ch.76 §24-28 relating to practice of dentistry, not to apply to physician *in actual practice in case the patient needs immediate treatment*. 219, 9 Ap 03
- g **Mass.** Salary of chairman and secretary of Board of Registration in Dentistry, \$400; of other two members, \$300 [formerly \$200]. Amending '02 ch.505 §3. 228, 13 Ap 03
- h **N. H.** Amending P. S. ch.134 relating to practice of dentistry: pay of examiners; association practising dentistry to display certificate of each person practising; students exempted from provisions of act. 113, 2 Ap 03
- i **R. I.** Dentists licensed by Board of Registration in Dentistry to keep certificate posted in office; fine. Amending '97 ch.470. 1113, 17 Ap 03
- j **S. D.** Amending P. C. '03 §294 relating to penalty for violating laws concerning dentist's license. 124, 11 Mr 03
- k **U.** Amending R. S. '98 §753-54, 757, repealing §755 relative to practice of dentistry: persons who have studied 3 [formerly 2] years under licensed dentist *or hold diploma from dental college* to be eligible for examination; compensation of Board of Dental Examiners; certificates. 79, 12 Mr 03
- l **Wis.** Amending S. '98 §1410e-j, '01 ch.97 relating to State Board of Dental Examiners: board may license without examination graduates of approved dental colleges requiring 4 [formerly 2] courses of 7 [formerly 5] months each, with preliminary training sufficient for admission to junior class of high school; board may investigate qualifications of applicant; annual renewal fees. Adding §1410k to S. '98. 411, 21 My 03

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Pharmacy

- a **Ari.** Regulating practice of pharmacy: Board of Pharmacy created; to license graduates of approved college, applicants with 4 years' practice on examination, and practising pharmacists; adulteration of drugs; sale of poisons; fees; penalties. 74, 19 Mr 03
  - b **Ark.** Amending S. '94 §4993-94 relating to pharmacy: biennial registration; procedure in suits for collection of fines and penalties. 169, 27 Ap 03
  - c **N. M.** Amending C. L. '97 §3721-22 as to fees for examination, registration and renewal of certificates by Board of Pharmacy. 43, 12 Mr 0
  - d **S. D.** Amending P. C. '03 §268, 277, 279, and repealing §284 relative to Board of Pharmacy. 192, 10
  - e **U.** Amending R. S. '98 §1722, 1724, 1726-27, '99 ch.33 relating to pharmacists: registration; fees; penalties. 45, 9 Mr 0
  - f **Vt.** Amending S. '94 §4655 authorizing Board of Pharmacy to revoke license on conviction of illegal liquor sales. 111, 9 D 0
  - g **Vt.** Unlicensed pharmacist not to display sign, advertise place of business as pharmacy, or expose drugs for sale at retail. Amending S. '94 §4662; repealing §4657 granting license in certain cases without examination. 112, 12 D 0
  - h **Va.** Licensed physician may act as pharmacist in places under 1500. Amending C. §1759, '00 ch.772. 78, 5 Mr 0
- 950 **Assistant pharmacists**
- a **N. D.** Requiring apprentices in pharmacy to file certificate with secretary of state; after 2 years' apprenticeship, examination for assistant pharmacist may be taken. 135, 28 F 0
  - b **N. D.** Board of Pharmacy to license registered apprentices assistants in pharmacy on examination as registered assistants; latter may not conduct business of pharmacist; fees. Amending R. C. '99 §288. 136, 28 F 03

952

Sale of drugs

- a **Cal.** Drug peddlers to pay annual license fee of \$200 to State Board of Pharmacy in addition to taxes imposed by county or municipal authorities; penalties. 233, 20 Mr 03
- b **U.** Amending R. S. '99 §1722, 1724, 1726-27, '99 ch.33 relating to pharmacists; fees; standard of purity of wares; regulating sale of poisons by retail or wholesale dealers; penalties. 45, 9 Mr 03

953

Poisons

See also Opium, cocaine etc. 926

- a **Ct.** Requiring in sale of certain poisons that name of poison be affixed to label and entered on record. Amending G. S. '02 §4733. 54, 29 Ap 03
- b **N. D.** Fixing penalty for sale of certain poisons without label. Amending R. C. '99 §7282. 137, 5 Mr 03

## Adulteration. Inspection of articles liable to affect public health

*See also Adulterations and imitations, 1466*

### General

- Cal.** Misdemeanor to sell, or substitute article of food, drink or medicine without informing purchaser; retail dealer having written guaranty of purity of article may not be convicted for sale of adulterated goods. 254, 21 Mr 03
- Fla.** Prohibiting manufacture or sale of adulterated foods or drugs; penalty; state commissioner of agriculture to analyze on demand. 65, 5 Je 03
- Id.** Regulating sale of foods and oils: state horticultural inspector constituted state dairy, pure food and oil commissioner; creating State Board of Dairy, Pure Food and Oil Commissioners; forbidding sale of unwholesome and adulterated foods; skimmed milk, oleomargarin, renovated butter and harmless compounds to be labeled; penalties. p.95, 9 Mr 03
- Mass.** Employee unintentionally violating law prohibiting sale of adulterated article may not be punished, excepting manager or superintendent. Amending R. L. ch.75 §16. 367, 18 My 03
- Mass.** Board of Health may expend not over \$12,500 [formerly \$11,500] for inspection of foods and drugs. Amending R. L. ch.75 §6. 467, 24 Je 03
- Mich.** Amending '01 ch.186 §4, 5 relative to salaries of dairy and food commissioner and his appointees: salary of state analyst, \$1800 [formerly \$1500]; clerk hire not to exceed \$2000 [formerly \$1440]. 230, 18 Je 03
- Mich.** Amending C. L. '97 §4979 relating to seizure and sale of adulterated food products: procedure. 230, 18 Je 03
- Minn.** Generally amending '99 ch.295 regulating manufacture and sale of dairy and food products. 155, 7 Ap 03
- Minn.** Misdemeanor to adulterate or misbrand food; goods so altered as to deceive purchaser or injure consumer to be deemed adulterated; dairy and food commissioner and assistants to enforce. 163, 10 Ap 03
- Mo.** Prohibiting use of unhealthy substances in manufacture of articles of food. p.170, 11 My 99. *Unconstitutional* as far as applying to sellers not manufacturers; subject not included in title. *State v. Great Western Coffee & Tea Co.*, 71 S. W. 1011.
- Mon.** Regulating inspection and sale of meat and milk: creating state inspectors for different classes of counties; powers, duties and salaries; dealers to be licensed; treatment of contaminated meat and adulterated milk; fees; penalties. 120, 7 Mr 03
- N. Y.** Prohibiting adulteration and misbranding of foods. Adding art.11 to agricultural law '93 ch.338. 524, 9 My 03
- N. D.** Prohibiting manufacture or sale of adulterated or unwholesome foods; penalty; Agricultural Experiment Station to an-

alyze suspected foods on request; annual report; list of adulterated foods to be published in county official paper; \$1500 appropriated annually.

6, 2 Mr 03

- n **S. D.** Amending P. C. '03 ch.27 art.8, 10 relating to state food and dairy commissioner: duties and compensation; adulteration of milk; penalties.

147, 12 Mr 03

- p **U.** General law regulating sale of impure, adulterated and misbranded foods. Repealing R. S. '98 §2446-50, 729-46, 4283-90, '99 ch.34-48.

25, 2 Mr 03

- q **U.** Creating office of state chemist to be appointed for 2 years by governor with consent of Senate; salary \$1000; to analyze food submitted by state dairy and food commissioner; biennial report to latter.

97, 12 Mr 03

- r **Wis.** 10,000 [formerly 20,000] copies of biennial report of dairy and food commissioner to be printed; commissioner with consent of governor may publish quarterly bulletins, not exceeding 10,000 copies, for popular distribution. Amending S. '98 §335c.

131, 28 Ap 03

- s **Wis.** Amending S. '98 §4601 as to adulteration of foods: mixtures or compounds used as substitutes for other foods, not to be deemed adulterations, if sold under own name with approved label; proprietors of proprietary foods need not disclose trade formulas.

133, 29 Ap 03

- t **Wis.** Dairy and food commissioner, with consent of governor, may appoint assistant chemist, 2 inspectors of foods, milk dairies, cheese factories and creameries; also 1 or more expert inspectors of cheese factories and creameries; compensation. Supplementing S. '98 §1410.

144, 2 My 03

- u **Wy.** General pure food and drug law. 9p.

82, 21 F 03

959 **Preservatives. Coloring matter**

- a **Minn.** Misdemeanor to mix food with injurious chemical compounds to preserve or to conceal putrefaction.

260, 18 Ap 03

- b **Pa.** Misdemeanor to sell food containing any formalin, formaldehyde or sodium fluorid, or  $\frac{1}{2}\%$  of boracic acid or boracic acid salt, or vegetable food containing coloring matter yielding  $\frac{1}{2}\%$  of metallic copper; penalties; dairy and food commissioner to enforce.

254, 27 Ap 03

960 **Milk and milk products**

961 **General**

- a **N. J.** Requiring use of pure water for cows and for cleansing milk cans; penalty. Supplementing '01 ch.85 §7.

126, 7 Ap 03

- b **Wis.** Regulating sanitation of creameries, cheese factories, etc. and prohibiting sale of unclean milk or its use in food products.

67, 3 Ap 0

964 **Butter and cheese**

- a **Vt.** Amending penalty for violation of '98 ch.82 §6 relating to management of creameries.

81, 12 D 0

## ADMINISTRATIVE LAW PUBLIC HEALTH

965-10

**965 Butter. Imitation and adulteration. Oleomargarin**

- a **Ct.** Prohibiting sale of renovated butter unless firkins and wrappers are so marked with printed letters  $\frac{1}{2}$  inch long, gothic type. 65, 6 My 03
- b **Mass.** Amending R. L. ch.56 §48 as to penalty for selling renovated butter in package not labeled according to law. 361, 18 My 03
- c **Mich.** Amending '99 ch.254 regulating manufacture and sale of *renovated butter* [formerly known as process butter]; increase of penalties. 243, 18 Je 03

**967 Milk**

- a **N. H.** Milk dealers selling only products of own cows exempt from license fee. Amending '01 ch.107 §4. 83, 24 Mr 03
- b **Vt.** Amending S. '94 §4327 relative to the sale of adulterated milk *without full knowledge of buyer*. 80, 12 N 02

**970 Test standard**

- a **Wis.** Standard measures prescribed for Babcock test used in finding per cent of butter fat in milk and cream; penalty. 43, 27 Mr 03

**972 Other articles of food and drink****978 Cereals. Starches. Bread**

- a **Mich.** Amending C. L. '97 §4994-5002 regulating manufacture and sale of buckwheat flour; brand required to be part of distinguishing label. 208, 16 Je 03
- b **Tenn.** Extending provisions of '97 ch.45 relative to adulteration and misbranding of food, to apply to millers, manufacturers and dealers in flour; penalties. 98, 11 Mr 03

**986 Honey. Bee products**

- a **Col.** Prohibiting possession or sale of adulterated or imitation bee products unless labeled showing percentage of ingredients; examination of samples; procedure on complaint; penalties. 1, 11 Ap 03

**998 Liquors**

- a **Mo.** Providing for inspection of beer; fee to be paid by manufacturers; manufacturers for export exempt. R. S. '99 §7682-97. *Unconstitutional*. Tax unequal and not on cash valuation; denies equal protection of laws. *State v. Eby*, 71 S. W. 52.

**000 Meats. Fish (fresh)****004 Meats**

- a **Fla.** Disqualifying butcher as beef inspector. 67, '03
- b **Me.** Repealing R. S. '83 ch.38 §1-35 regulating inspection of beef and pork; office of inspector general of beef and pork abolished. 41, 4 Mr 03
- c **Mass.** Repealing '02 ch.312, which act repealed R. L. ch.75 §103-4 and amended §105 relating to branding of slaughtered animals and to inspection of animals slaughtered for personal use. 220, 9 Ap 03

- d **Mich.** Cities may erect public abattoirs and regulate use thereof; may also appoint inspectors to regulate slaughterhouses and meat markets and license sale of meats; fees; penalties. 120, 14 My 03

1006 **Spices. Condiments**

- a **Minn.** Net weight of package of *pure or* adulterated spices to be printed on label. Amending '97 ch.176 §4. 257, 18 Ap 03

1008 **Sugars. Syrups. Confectionery**

1010 **Candy**

- a **Kan.** Misdemeanor to adulterate candies with substances deleterious to health. 118, 11 Mr 03

1012 **Sugar. Syrup**

- a **Fla.** Adulterated syrups to bear label giving percentage of adulteration and address of manufacturer; penalties. 126, 4 Je 03  
b **Ga.** Prohibiting sale of adulterated or mixed syrups without label showing percentage of ingredients; penalties. p.101, 17 D 02  
c **Mich.** Regulating labeling and sale of cane, beet and corn syrups and glucose mixtures; penalties. 123, 20 My 03  
d **Minn.** Misdemeanor to adulterate sorghum syrup without affixing to keg or barrel label showing proportionate quantity of substances; dairy and food commissioner and assistants to enforce. 187, 14 Ap 03

1014 **Vinegar**

- a **Minn.** Prohibiting adulteration of vinegar; barrels to be labeled; penalty. 57, 13 Mr 03  
b **R. I.** Amending G. L. ch.148 §1 and adding §6 prohibiting sale of adulterated vinegar: deleterious substances designated.

1107, 17 Ap 03

1018 **Communicable diseases**

*See also* Communicable diseases of animals, 1143

1020 **Prevention and restriction (general)**

- a **Minn.** Certified statement of expenses incurred by municipality in control of contagious diseases to be sent to county commissioners; county aid not to exceed one half amount; appeal on disallowance; procedure. 127, 3 Ap 03  
b **Pa.** Appropriating \$50,000 as emergency fund to be used by State Board of Health for suppression of epidemics beyond control of local authorities; funds to be drawn by secretary of board with approval of governor. 395, 15 My 03  
c **U.** Amending '99 ch.45 §4 and 11 relating to contagious diseases: infected cesspool may be disinfected or abandoned by order of Board of Health; goods or persons from infected locality to be stopped at state line or disinfected. 72, 12 Mr 03

**Quarantine and isolation***See also* Transportation of dead bodies, 1064

- a **Ind.** General quarantine law: report of communicable diseases to State Board of Health; state and local boards of health to quarantine houses, order disinfecting of persons and articles, segregate persons; public funerals forbidden in certain cases; peace officers to aid in enforcing law. 83, 4 Mr 03
- b **Mich.** Amending C. L. '97 §4424 relative to quarantine for contagious diseases: county board of supervisors to audit claims. 7, 13 Mr 03
- c **Nev.** Board of county commissioners, under supervision of State Board of Health, to enforce quarantine regulations to prevent spread of highly contagious diseases. 61, 12 Mr 03
- d **N. J.** Misdemeanor to expose person to infectious disease, or to lease infected rooms before disinfection. Supplementing '98 ch.235. 62, 24 Mr 03
- e **N. C.** Child may not attend school when member of household is sick with *mumps* or *itch*. Amending '93 ch.214 §13. 690, 9 Mr 03

**Protective inoculation**

- a **Mass.** State Board of Health may distribute antitoxin and vaccine lymph. Amending R. L. ch.75 §4. 480, 26 Je 03

**Vaccination**

- a **Minn.** Board of health or education may not require vaccination; provided that in case of epidemic of smallpox boards may by joint action require vaccination of children not exempted by reputable physician on grounds of danger to child's health. 299, 20 Ap 03
- b **S. D.** Misdemeanor to compel one to submit to vaccination; child with certificate of successful vaccination within 5 years may not be prevented from attending public school. 223, 11 Mr 03

**Disinfection**

- a **Mass.** City or town board of health may order disinfection of infected articles at expense of city or town; owner may be paid \$50 for goods destroyed by order of board. Amending R. L. ch.75 §90. 306, 4 My 03

**Special diseases****Hydrophobia**

- a **Mich.** Local health authorities to send poor persons infected with rabies to Pasteur Institute at State University. 116, 14 My 03
- b **Tex.** Establishing Pasteur Hospital in connection with State Lunatic Asylum for treatment of hydrophobia; private and state patients. 125, 1 Ap 03

**Smallpox**

- a **N. H.** Smallpox cases to be reported by physician to town health officers; latter to quarantine person; in uncertainty State Board of Health to investigate; penalty. 45, 4 Mr 03



- b Pa. State Board of Health may quarantine buildings where smallpox exists, appoint quarantine officers and prescribe rules for local boards; penalty for breaking quarantine; procedure. 58, 25 Mr 03
- 1042 Tuberculosis
- a Minn. Establishing Minnesota Sanatorium for Consumptives; advisory commission; 3 examining physicians in each county to be appointed to pass on admission; only patients with incipient tuberculosis to be received; Board of Control of State Institutions to secure site, erect, equip and manage sanatorium; \$25,000. 316, 21 Ap 03
- b N. H. State Board of Charities and Corrections may send indigent consumptive patients to sanatorium for treatment, paying actual cost of maintenance; partial support of patients; quarterly report of board to governor. 184, 2 Ap 03
- c N. J. Restricting admission of free patients to state sanatorium to those having tuberculosis of curable nature. Amending '02 ch.126. 31, 13 Mr 03
- d N. J. Board of managers of State Sanatorium for Tuberculous Diseases, may institute condemnation proceedings to secure site. Amending '02 ch.126 §4. 32, 13 Mr 03
- e N. M. Sanatorium for consumptives spending \$100,000 for construction within 2 years to be exempt from taxation for 6 succeeding years. 17, 5 Mr 03
- f N. M. Amending '01 ch.43 prohibiting employment of consumptives as teachers in public schools or educational institutions: examination; penalty. 92, 18 Mr 03
- g N. Y. Hospital for consumptives may not be established in town without consent of board of supervisors and town board. Adding §218a to public health law '93 ch.661. 638, 21 My 03
- h Pa. State commissioner of forestry to erect and manage State Sanatorium for Consumptives, to be located in State Forestry Reservation near Mont Alto; \$8000. 430, 15 My 03
- i R. I. Commission on State Sanatorium for Consumptives appointed in 1902 to be continued; to erect and equip sanatorium; to report annually to Legislature; \$75,000. 1096, 15 Ap 03
- j Vt. Tuberculosis Commission of 5 members to be appointed by governor, to investigate extent of disease and need of sanatorium; report to Legislature of 1904. 116, 2 D 03
- k Vt. Physicians to notify State Board of Health of tuberculous patients; board to send to latter circulars showing how to prevent infection. 117, 2 D 03
- l Wis. Governor to appoint 3 commissioners to investigate conditions relating to tuberculosis and feasibility of state sanatorium for consumptives; report to governor by Dec. 1, 1904. p.776, '03
- 1043 Typhoid
- a U. Regulating disinfection in cases of typhoid fever; penalty. 81, 12 Mr 03

1048

**Disposition of the dead**

1050

**Burial. Undertaking (general)***See also Vital statistics, 938*

- a **N. M.** Misdemeanor to bury person in place where it is necessary to disturb remains of person previously buried. 83, 17 Mr 03

1051

**Practice of embalming and undertaking**

- a **Ct.** Regulating practice of embalming: creating Board of Examiners of Embalmers; qualifications for practice; license fees; penalties. 159, 11 Je 03
- b **Me.** Creating Board of Examiners of Embalmers and Undertakers to consist of secretary and one other member of Board of Health and 2 members appointed by governor and executive Council; term, three years; to license to practise on examination; fees; annual report to Board of Health. 98, 17 Mr 03
- c **Mich.** Regulating practice of embalming: Board of Health constituted examining board [formerly authorized only to pass on qualifications of persons embalming in cases of death from contagious disease]; 6 months' practical embalming necessary for admission to examination; board to license on examination or on diploma from State University; fees; penalties. Amending '01 ch.233. 132, 21 My 03
- d **Tex.** Creating Board of Embalming, to consist of 5 members appointed by state health officer for 2 years; to examine and license embalmers; fees; fines to be paid into state public school fund. 95, 31 Mr 03
- e **Vt.** Regulating practice of embalming: Board of Health to serve as Examining Board; to issue certificates to practise on examination; exemption; prohibiting embalming in case of death from unknown cause, prior to investigation; penalties. 118, 21 N 02
- f **Va.** Amending '94 ch.625 §2, 6, 10, 14 and adding §15 relating to practice of embalming: governor to fill annual vacancy in board if nominations not made by June 15; board may conduct schools of embalming; proviso; prohibiting embalming when crime is suspected, without consent of coroner; penalty; repealing provision limiting application to cities of 5000. 93, 16 Mr 03

1052

**Burial permits**

- a **Mich.** Secretary of state may authorize licensed embalmers to act as subregistrars of deaths; burial permits; fees. 115, 14 My 03

1054

**Cemeteries**

- a **N. H.** Cemetery located within 20 rods of dwelling house or place of business by person or corporation, for which trust funds are held by town, to be under control of selectmen. Amending P. S. ch.51 §2. 47, 5 Mr 03

## 1055 Public cemeteries

- a **Minn.** Village council may appoint cemetery board to consist of 3 or more members and prescribe duties. Adding subdiv. 30 to S. '94 §1224. 353, 21 Ap 03
- b **Neb.** Electors at annual town meeting may provide for establishment and maintenance of cemeteries. Amending C. S. '01 §2325. 36, 7 Mr 03

## 1056 Cemetery associations

- a **Ill.** Providing for organization, management and control of cemetery associations; property exempt from taxation; dividends prohibited; use of funds; trustees to make triennial report to county judge. p.90, 14 My 03
- b **Mich.** Rural cemetery corporations may reorganize on expiration of term; regulations. 14, 26 Mr 03
- c **Mich.** Amending C. L. '97 ch.227 relating to cemetery associations: powers and duties formerly conferred on stockholders now transferred to members of corporations. 65, 30 Ap 03
- d **Minn.** Religious corporations may establish cemeteries. 63, 19 Mr 03
- e **Minn.** Amending S. '94 §3116, 3118 relating to cemetery associations: designation of corporation as trustee of care and improvement fund; disposition of proceeds of sales of lots. 150, 8 Ap 03
- f **Or.** Incorporated cemetery associations may acquire and hold 3/10 [formerly 300] acres exempt from taxation; stated percentage of moneys received to constitute maintenance fund; cemetery in county of 50,000 may not approach within 200 yards of dwelling house. Amending Ann. C. & S. §5211-12. p.177, 24 F 03

## 1057 Location. Vacation

- a **O.** Enabling cemeteries to secure land for entrances. p.153, 6 Ap 93. *Unconstitutional.* Does not provide for appeal from decision of commissioners. *King v. Greenwood Cemetery Association*, 65 N. E. 882.

## 1059 Cemetery trust funds

- a **Me.** Executors and administrators may provide for perpetual care of burial lots. 84, 11 Mr 03
- b **Mich.** County treasurer may accept and maintain fund for care of cemetery lots: investment; liability of county; tax exemption; treasurer to make annual report to supervisors. 81, 7 My 03
- c **Mich.** Rural cemetery corporations incorporated under '69 ch.12 may receive grants, donations and bequests; moneys to constitute repair fund for improvement of cemetery property; investment; regulations. 209, 16 Je 03

## 1060 Injury to cemetery. Grave-robbing

- a **Ct.** Amending G. S. '02 §4453 as to penalty for violating bylaws of towns, cemetery associations and ecclesiastical societies relating to cemeteries. 134, 3 Je 03

**Cremation**

- 1 **Or.** Providing for incorporation of crematory associations: organization; powers and duties; fund to be maintained for improvement of property; exemption from execution and taxation. p.68, 16 F 03

**Dissection**

- 2 **Ind.** Creating Anatomical Board, consisting of president of State Board of Health and 1 representative from each medical school; to control distribution of dead bodies, and to prevent desecration of graves; regulations; penalties. 31, 25 F 03
- 3 **N. C.** Professors of anatomy of the several state medical schools to constitute Board for Distribution of Dead Bodies; regulations. 666, 9 Mr 03
- 4 **Wis.** Regulating distribution of bodies to medical colleges and State University. Amending S. '98 §1437. 406, 21 My 03

**Transportation of dead bodies**

- 5 **Ct.** Amending G. S. '02 §1871 relating to removal of corpses: if death from infectious disease, removal permit must state that body has been disinfected *and* [formerly or] inclosed in coffin hermetically sealed. 186, 18 Je 03
- 6 **Me.** State Board of Health to make regulations for transportation of bodies of persons dying of infectious disease, uniform with those in other North American states and provinces. 98, 17 Mr 03

**5 Nuisances. Miscellaneous health regulations**

*See also Drainage, 1191; Sewerage, 2660*

- 7 **Cal.** Misdemeanor to maintain public nuisance after reasonable notice from health officer or district attorney. Adding §373a to Pen. C. 147, 16 Mr 03
- 8 **Kan.** On complaint from board of health, mayor and council of cities of 2000 to 15,000 may order abatement of certain nuisances; procedure. 134, 11 Mr 03
- 9 **Nev.** On petition of 10% of freeholders of school district, any city, town or county board may order revocation of license of business which is deemed a nuisance. 55, 10 Mr 03
- 10 **N. H.** Spitting in public places prohibited; no waste matter to be thrown in street; fruit dealers to provide receptacles for waste; fine. 2, 29 Ja 03
- 11 **Pa.** Repealing '99 ch.59 prohibiting establishment of new hospitals, pesthouses or burial grounds in built up portions of cities. 1, 28 Ja 03
- 12 **U.** In certain cases, in lieu of enjoining person alleged to be maintaining nuisance, court may require bond. Amending R. S. '98 §3060. 58, 12 Mr 03

**Disposal of carcasses**

- 13 **Ind.** Disposition of bodies of dead animals: duty of road supervisor. 181, 9 Mr 03

069-79

## N. Y. STATE LIBRARY SUMMARY OF LEGISLATION 1903

- b S. D. Owner to bury dead animal on notification by superintendent of public health; penalty. 11, 1

1073

## Expectoration

- a Kan. Fine of \$1 to \$10 for spitting on floor of church building or other public building. 217, 1
- b Me. Prohibiting spitting on floors of street cars; fine \$ 139, 2
- c N. J. Spitting in railroad cars a misdemeanor. Supple '98 ch.239. 260, 1
- d Vt. Prohibiting expectoration in railroad cars, street & railroad stations; penalty. 70

1075

## Garbage

- a Fla. City or town authorities may contract for disposal of garbage; period not to exceed 30 years; proviso. 45, 1
- b N. J. Town council may provide for removal of ashes, garbage, and levy tax. 45, 1
- c N. M. City council may provide for collection of garbage; collector to be paid from tax of not over 10c a week on each holder. 60, 1

1079

## Pollution of water

See also General supervision, 932; Sewerage, 2660

- a Ct. Repealing G. S. '02 §3153 prohibiting pollution of streams by sawdust or shavings. 47, 2
- b Mass. Board of Health to investigate dumping of garbage and rubbish into harbors and along coast of Massachusetts; propose legislation; report to Legislature; \$1000. 358, 1
- c Mon. Fine not exceeding \$500 [formerly \$50] for dumping of chemicals from sawmill, or paper or wood manufactory into or lake. Amending Pen. C. §1123. 3,
- d Mon. Misdemeanor to dump refuse from coal mine into water containing fish or water used for domestic purposes or irrigation. 6,
- e Nev. Prohibiting pollution of waters by persons or municipalities; allowing 4 years for construction of new drainage system in certain cases. 122, 2
- f Nev. Commission of 3 senators and 4 assemblymen to be appointed to confer with committee from California Legislature regard to pollution of waters of Truckee river. p.224,
- g N. H. State Board of Health may prohibit domestic use of polluted water; fines; Superior Court to enforce law on record. 38,
- h N. Y. Forbidding discharge of sewage or refuse from factory or industrial establishment into waters of state except by permit from State Commissioner of Health; sewer system; conduit pipes already in operation excepted; revocation of procedure; penalties. 468,

## ADMINISTRATIVE LAW PUBLIC SAFETY

1079-9

**N. Y.** Governor to appoint 5 commissioners to investigate threatened pollution of New York bay by contemplated construction of sewers in New Jersey and confer with New Jersey authorities as to means of averting danger; report to Legislature by Feb. 1, 1904. 539, 11 My 03

**N. C.** Requiring private and municipal water supply corporations to have chemical analysis made quarterly and biologic analysis monthly under supervision of Board of Health; fees; penalties. 159, 20 F 03

**U.** Jurisdiction of town trustees to extend over stream 10 miles above point where water is taken for domestic use. Amending R. S. '98 §302 subdiv.13. 299, 12 Mr 03

**Vt.** State Board of Health to have supervision of sources of water supply; pollution; local systems of public water supply, drainage or sewerage to be submitted to board; Court of Chancery to enjoin violation or enforce regulation of orders of board; penalties. 115, 12 D 02

**W. Va.** Penalty for pollution of waters. 47, 27 F 03

**Signs. Advertisements**

**N. J.** City governing board may regulate billboards, signs and fences; penalty. 240, 8 Ap 03

**Slaughterhouses. Butchers**

**Wis.** Amending S. '98 §418 as to penalties for violating slaughterhouse regulations. 369, 20 My 03

**Tickets**

**N. H.** Milk and bread dealers to use detachable coupon tickets; fine for second use. 56, 7 Mr 03

**Public safety**

Protection of human life from accidents, casualties, etc. *See also* Factory regulations, 2044; Public safety and comfort (railroads), 1313; Public safety and comfort (street railways), 1368

**Fires**

*See also* Forest fires, 1893; Fire departments, 2602; Fire prevention association, 1765

**Fire marshals. Inspection**

**Me.** Repealing R. S. '83 ch.26 §34-38 relating to inquests in cases of suspected incendiarism. 26, 26 F 03

**N. C.** Amending '97 ch.58, '01 ch.387 relating to incendiary fires: preliminary investigation by local authorities; towns and cities to make annual inspection of buildings, quarterly inspection within fire limits and report to state insurance commissioner; expenses to be met by tax of  $\frac{1}{16}\%$  [formerly  $\frac{1}{16}\%$ ] on gross receipts of insurance companies. 719, 9 Mr 03

**Fire alarms**

**Nev.** Misdemeanor to give false fire alarm. 16, 4 Mr 03

1097

**Prairie fires***See also Forest fires, 1893*

- a **Mon.** Protection from prairie fires between April 1 and July 1; railroad company to plow strip 6 feet wide on each side of track passing through grazing land; between July 15 and Sep. 15 to burn vegetation between plowed strips unless exempted by county commissioners; penalties. 63, 5 Mr 03

1099

**Buildings. Sanitation and safety**

- a **Ind.** Protection from fire in public buildings, places of entertainment, lodging houses, tenements, factories etc.: fire escapes, doors, windows, aisles etc.; chief inspector of Department of Inspection to enforce. Repealing '99 ch.207. 222, 10 Mr 03
- b **N. H.** City or town appointing building inspector may regulate construction and remodeling of all buildings. Amending '93 ch.40 §1, 2. 136, 2 Ap 03
- c **N. J.** Municipalities governed by board of commissioners, improvement commission or board of trustees may regulate buildings, fire escapes and chimneys and compel alteration at expense of owner. Amending '00 ch.119 §1. 175, 8 Ap 03

1100

**Elevators**

- a **Ill.** Regulation and control of elevators: municipal authorities may require operators to be licensed or provide board of examiners to license same. p.96, 13 My 03

1102

**Exits**

- a **Minn.** Regulating exits and fire escapes in hotels, lodging houses etc. in cities over 10,000. 301, 20 Ap 03
- b **U.** Exit doors of public halls and public buildings to open outward; penalty. 111, 12 Mr 03

1103 Fire escapes

- a **Id.** Buildings over 2 stories to have fire escapes. p.148, 3 Mr 03
- b **Kan.** Public buildings, manufacturing establishments, school-houses, churches, theaters, hotels and tenement houses, etc. over 2 stories high to be provided with fire escapes; inspection by chief of fire department or town marshal. 310, 28 F 03
- c **Mo.** Miscellaneous amendments to '01 p.219 §1-3 relating to fire escapes. p.251, 24 Mr 03

1104

**Fire limits**

- a **S. D.** Trustees of incorporated towns may establish fire limits and remove dangerous buildings. 96, 4 Mr 03

1105

**Hight. Street alinement**

- a **Minn.** City may establish building line not over 50 feet from margin of street and acquire easement such that no building shall be erected between line and street; procedure. 194, 14 Ap 03

## ADMINISTRATIVE LAW PUBLIC SAFETY

1108-11

**Hotels. Lodging houses**

- 1 **Cal.** Misdemeanor for keeper of hotel or lodging house to cut off supply of gas from rooms during occupancy; proviso. 236, 20 Mr 03
- 2 **Va.** Proprietor of hotel, lodging house and house of public or private entertainment to post notices regarding use of gas; penalty. 318, 21 My 03

**Tenement houses**

- 1 **N. J.** Governor to appoint 5 commissioners to inquire into tenement house regulation; report to Legislature of 1904. 131, 7 Ap 03
- 2 **N. Y.** Generally amending '01 ch.334, '02 ch.352 relating to tenement houses in cities over 250,000. 179, 14 Ap 03
- 3 **Pa.** Supplementing public health law, '95 ch.258 relating to tenement houses in cities of 100,000 to 1,000,000: regulating size, sanitation and air allowance; prohibiting keeping certain domestic animals; penalties; city bureaus of health to appoint tenement house inspectors. 57, 25 Mr 03
- 4 **Pa.** Regulating tenement houses in cities of 100,000 to 1,000,000: open space of 20% of lot facing on 1 street or 10% of lot facing on 2 streets; light, air, room and sanitation; basements; stairways; fire escapes; buildings over 4 stories to be fireproof; penalties. Supplementing '95 ch.105. 87, 30 Mr 03
- 5 **Wis.** Authorizing state and local boards of health, also state commissioner of labor to inspect tenement houses; commissioner to include special report on tenement houses in next biennial report. 203, 11 My 03

**Floods. Life saving***See also Levees and dikes, 1197***Floods**

- 1 **Kan.** Cities damaged by floods of May and June 1903 may repair streets, bridges, sewers etc.: incur indebtedness for the purpose and issue 6%, 10 year bonds; special tax levy for sinking fund. 34, 26 Je 03
- 2 **Kan.** County commissioners to abate tax on property wholly or partially destroyed by floods of 1903: abatement in no one case to exceed tax levied on \$1500 assessed valuation; procedure. 55, 26 Je 03
- 3 **Tex.** Donating to Galveston, state property, poll and occupation taxes to be collected in Galveston county for 15 years. 8, 3 F 03

**Explosives***See also Petroleum products, 1493*

- 1 **Ark.** Regulating sale of high explosives. 139, 13 Ap 03
- 2 **Or.** Misdemeanor to sell or give explosives, firearms or similar articles to children under 14; exceptions. p.309, 25 F 03



116-30

## N. Y. STATE LIBRARY SUMMARY OF LEGISLATION 1903

- c **S. C.** Dealer may not sell powerful explosive unless he is satisfied that it will not be used for killing fish; to make quarterly reports of sales to county auditor. 82, 16 F 03
- d **U.** Felony to sell explosive containing nitroglycerin without label showing date and place of manufacture and name of manufacturer and percentage of high explosive. 139, 24 Mr 03
- e **Va.** Furnishing firearms to child under 12 a misdemeanor; penalty. 186, 30 Ap 03
- f **Wy.** Regulating storage and sale of nitroglycerin, powder, oils and other explosives: inspector of mines to prosecute where no municipal ordinance; penalty. 70, 21 F 03

1117 **Manufacture. Storage. Transportation**

- a **Id.** Misdemeanor to ship loaded firearm. p.345, 4 Mr 03
- b **Ill.** Prohibiting manufacture of explosives within  $\frac{1}{2}$  mile of dwelling, *except on consent of majority of voters residing within same radius of factory*; proviso. Amending R. S. '01 ch.38 §54k. p.159, 15 My 03
- c **U.** Building containing over 500 pounds of dynamite or other explosive may not be maintained within 300 feet of residence or road; excepting magazine of mine or quarry; penalty. 76, 12 Mr 03

1118 **Air guns, toy pistols, etc.**

- a **Pa.** Prohibiting discharge of flobert rifles, air guns or spring guns in municipalities; penalty. 142, 15 Ap 03
- b **S. C.** Prohibiting sale of toy pistols, caps or cartridges; penalty. 79, 16 F 03

1124 **Miscellaneous**1125 **Acids**

- a **Wis.** Cities may license and regulate storage and use of nitric, sulfuric and other dangerous acids. 55, 6 Ap 03

1128 **Boilers and engineers**1129 *Inspection*

- a **Ind.** Steam boilers: use of certain safety appliances; inspection every six months; steam gages; enforcement by Department of Inspection; penalties. 246, 12 Mr 03

1130 *Licenses*

- a **Minn.** Amending S. '94 §489 subdiv.3 relative to 2d class steam engineers: misdemeanor to operate steam machinery of higher horse power than designated in license; posting of license; penalties. 117, 3 Ap 03
- b **Pa.** Amending '99 ch.50 §2 relating to engineers licenses: may be renewed without examination *within 10 days after expiration*; establishing 2 grades, one for stationary and the other for portable boilers; eligibility for examination. 25, 10 Mr 03

**Samples**

- a **N. Y.** Misdemeanor to distribute trial samples of drug or chemical compound in such a way that children may find them. Adding §405b to Pen. C. 494, 9 My 03
- b **N. D.** Misdemeanor to leave sample drugs or medicines on premises or give to child under 14. 81, 9 Mr 03

**Steamboats. Vessels**

*See also* Boilers, 1124; Navigation, 1800

- a **Ind.** Inspection of steam, gas and naphtha launches by competent engineers with certificates from state factory inspector; fees \$5 to \$10; penalties. 21, 21 F 03
- b **Minn.** Amending S. '94 §480, 494, '99 ch.91 relative to Board of Inspectors of Steam Vessels and Boilers; governor to appoint one inspector each from 53 senatorial [formerly 7 congressional] districts; each inspector may appoint deputy in own district [formerly board appointed county deputies]. 131, 3 Ap 03
- c **N. H.** Governor with consent of Council to appoint 1 state inspector [formerly 1 or more] and 3 deputy inspectors of electric, naphtha, gasoline or steam boats, for 2 years. Amending P. S. ch.119 §1 and adding §14. 72, 13 Mr 03
- d **N. Y.** Amending navigation law '97 ch.592 art.1 relating to inspection of boilers: owners of vessels to apply for inspection; penalties. 420, 7 My 03

**Uncovered openings**

- a **Cal.** Misdemeanor for owner of land to leave abandoned mining shaft or other excavation unfenced or uncovered; excavations on unoccupied lands may be covered or fenced by order of board of supervisors. 232, 20 Mr 03
- b **Mich.** Owner to build fence around abandoned mine on order from mine inspector; procedure. Adding §11 to '99 ch.57. 125, 20 My 03

**Communicable diseases of animals****General. Inspection and supervision**

- a **Ari.** Amending R. S. '01 §2975-3051 regulating inspection of live stock; board to protect stock interests from theft, and public, from unwholesome meat products; live stock and slaughterhouse inspectors; seizure of unbranded cattle; procedure; tax on brands; disposition of fund. 26, 17 Mr 03
- b **Col.** Abolishing Veterinary Sanitary Board and transferring powers and duties to Board of Stock Inspection Commissioners; board [formerly governor with consent of Senate] to appoint state veterinary surgeon to investigate contagious diseases among animals. Repealing Sup. '96 §4292, 4296. 170, 6 Ap 03
- c **Fla.** Board of trustees of University of Florida to investigate contagious diseases among animals and regulate quarantine; may employ agent as veterinarian; general health laws, as to powers and duties, to apply. 156, 3 Je 03

- d **Id.** Misdemeanor to import or sell diseased animals or allow them to run at large; penalties. p.201, 10 Mr 03
- e **Minn.** Amending '97 ch.233 §4-5 relating to killing of animals infected with contagious diseases and appraisement of animals so killed. 141, 8 Ap 03
- f **Minn.** Regulating control of contagious diseases among domestic animals; creating Live Stock Sanitary Board; appraisal and slaughter of infected stock; procedure; local boards of health to enforce orders of board; penalties. Repealing '85 ch.200, '97 ch.233. 352, 22 Ap 03
- g **N. M.** Cattle Sanitary Board may order slaughter of infected cattle; may levy tax or issue bonds in case of epidemic. Amending C. L. '97 §197, 200. 1, 12 F 03
- h **N. M.** Cattle Sanitary Board may sell unclaimed cattle, *horses, mules and asses*. Amending C. L. '97 §223. 121, 19 Mr 03
- i **N. D.** Providing for appointment of county live stock inspector for inspection of *horses* [formerly live stock]. Amending '01 ch.121. 121, 12 Mr 03
- j **Okl.** \$2500 annual appropriation for manufacture and free distribution of vaccine. 2 art.3, 16 Mr 03
- k **Pa.** State Live Stock Sanitary Board to investigate diseases of domestic animals, specially tuberculosis among cattle: report to be published in bulletin of Department of Agriculture; \$25,000. 416, 15 My 03
- l **S. D.** Salary of veterinary surgeon \$1500 [formerly \$1200]. Amending P. C. '03 §2990. 224, 9 Mr 03
- m **Vt.** Creating Board of Cattle Commissioners of 3 members, to be appointed by governor for 3 years: to have powers and duties relative to infected live stock previously exercised by Board of Agriculture; quarantine of imported cattle; slaughter; appraisal; prosecution; justices of peace to have concurrent jurisdiction with commissioners. Amending S. '94 §4809-20. 85, 10 D 02
- n **Wash.** Amending '95 ch.167 relating to state veterinarian: compensation; violation of quarantine a misdemeanor; veterinary surgeons discovering certain contagious diseases to notify state veterinarian. 26, 27 F 03
- p **Wis.** Amending '01 ch.440 §3 relating to slaughter and appraisement of animals: state veterinarian or member of Live Stock Sanitary Board may direct slaughter. 22, 21 Mr 03
- q **Wis.** Local health authorities failing to cooperate with state veterinarian or Live Stock Sanitary Board in controlling contagious diseases among animals, to be removed from office; penalty for removal of animal from quarantine. Amending S. '98 §1492a. 215, 9 My 03
- r **Wis.** Amending S. '98 §1492 as to appointment of state veterinarian: governor with consent of Senate may appoint *graduate of recognized veterinary college in United States, Canada or Europe*. 235, 13 My 03
- s **Wis.** Salary of state veterinarian \$2250 [formerly \$2000]. Amending S. '98 §170. 327, 20 My 03

## ADMINISTRATIVE LAW PUBLIC SAFETY

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- t Wy.** On request of taxpaying citizen or corporation owning domestic animals, state veterinarian to examine as to infectious diseases; \$500 annual appropriation; biennial report to governor.

38, 18 F 03

- u Wy.** State Boards of Livestock and Sheep Commissioners authorized to accept United States regulations relating to inspection of animals with contagious diseases; local peace officers to cooperate; penalties.

61, 20 F 03

- v Wy.** Salary of state veterinarian \$1800 [formerly \$1200]; contingent fund \$600 to \$1200. Amending R. S. '99 §157.

89, 23 F 03

1146

## Quarantine

- a Nev.** Governor may, by proclamation, exclude from state live stock from infected states or districts.

74, 13 Mr 03

1147

## Indemnity

- a Vt.** Regulating shipment of cattle subject to tuberculin test; slaughter and appraisal; proceedings.

86, 12 D 02

1148

## Importation

- a N. Y.** Prevention of diseases of cattle: requiring detention and examination of imported cattle unless owner furnishes proof of absence of disease. Amending agricultural law '93 ch.338 §60.

214, 24 Ap 03

- b S. C.** Misdemeanor knowingly to ship diseased stock into state.

83, 21 F 03

- c Wash.** Prohibiting importation of live stock not accompanied by bill of health given by state or United States veterinarian; excepting importation for exhibition.

125, 16 Mr 03

1151

## Special diseases

1163 Rabies

- a Pa.** State Live Stock Sanitary Board may order quarantine, restraint or muzzling of dogs in locality during outbreak of rabies; fine of \$10 to \$100 for violation of order.

80, 27 Mr 03

1167 Tuberculosis

- a Mass.** Tuberculin tests to be made without charge to citizens of state. Amending R. L. ch.90 §31.

322, 5 My 03

- b Pa.** Providing for inspection of cattle infected with tuberculosis under supervision of State Live Stock Sanitary Board; disposition of carcasses; recompense of owners.

60, 25 Mr 03

1169

## Special animals

1171 Bees

- a Cal.** County inspector of apiaries to receive \$4 a day and expenses [formerly \$3]; treatment of hives infected with foul brood; inspection of imported bees; misdemeanor for owner of diseased apiary to remove to new location or sell hives without warning. Amending '01 ch.24.

6, 10 F 03

1171-77

## N. Y. STATE LIBRARY SUMMARY OF LEGISLATION 1903

- b **Nev.** County inspector of apiaries to inspect annually all apiaries in county; treatment of hives infested with foul brood; penalties. Amending '01 ch.37 §3-5. 19, 4 Mr 03
  - c **Tex.** Protection of bees: owners of infected hives to notify state entomologist, who shall prescribe rules for eradication of contagious diseases; misdemeanor to sell or give away infected bees; penalties. 126, 21 Ap 03
  - d **U.** County commissioners to appoint bee inspector on petition of 5 bee keepers; yearly inspection; appeal from decision of inspector to board of arbitration; removal of bees; treatment of diseased hives. Repealing R. S. '98 §139-43. 119, 21 Mr 03
  - e **Wis.** \$700 [formerly \$500] annual appropriation for inspection of apiaries. Amending '98 §1494f. 188, 11 My 03
- 1175 **Horses**
- a **Wis.** Prohibiting importation of branded or range western horses without certificate of inspection showing them to be free from contagious disease; triplicate certificates; quarantine; slaughter; regulations; penalties imposed on transportation companies, and shippers or owners. 168, 6 My 03
  - b **Wy.** Amending '01 ch.79 §4 relating to inspection of horses. 54, 20 F 03
- 1177 **Sheep**
- a **Cal.** State veterinarian constituted state sheep inspector; to have supervision of deputies appointed by county supervisors; treatment of diseased sheep; common carriers to obtain inspection certificate for shipments; prosecution; penalties. 267, 24 Mr 03
  - b **Col.** County sheep inspectors to be appointed on petition by *Board of Stock Inspection Commissioners* [formerly Veterinary Sanitary Board]. Repealing Ann. S. '91 §4296. 170, 6 Ap 03
  - c **Id.** Salary of sheep inspector \$1200 *and traveling expenses*. Amending '01 p.142. p.25, 6 Mr 03
  - d **Id.** Amending '01 p.142 relating to inspection of sheep before importation into state *except for through shipment*; seizure of sheep for violation of law. p.337, 17 F 03
  - e **Id.** Governor, on his own motion *or on recommendation of sheep inspector*, to establish quarantine against diseased sheep; fine of \$200 to \$5000 [formerly \$1000] for importing sheep from such localities *except for through shipment*. Amending '01 p.25; repealing '99 p.452. p.340, 17 F 03
  - f **Mon.** Amending '97 p.99 §6-7 relative to inspection of sheep: annual report to Board of Sheep Commissioners; county tax of  $\frac{1}{2}$  [formerly  $\frac{1}{4}$ ] mill on assessed value of sheep. 2, 14 F 03
  - g **Mon.** *Deputy inspector* [formerly person in charge of sheep] to have charge of eradication of infectious disease of sheep; salary. Amending P. C. §3033, 3039. 24, 24 F 03
  - h **N. M.** Amending C. L. '97 §160 and repealing §168 and '99 ch.33 §21 relative to Sheep Sanitary Board: *2 additional members* to be appointed *at large* by governor with consent of Council; sheep

## ADMINISTRATIVE LAW CONTROL OF WATERS

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inspected by United States Bureau of Animal Industry need not be inspected by state inspectors; *board* [formerly county] to levy sheep tax for sheep sanitary fund. 55, 14 Mr 03

**i** Or. Express companies and shippers may transport sheep, not exceeding 4 in shipment, without inspection. p.35, 12 F 03

**j** S. D. Providing for inspection of imported sheep: notice to county inspector; duties and fees; penalty. 157, 16 F 03

**k** U. Regulating suppression of contagious diseases among sheep: creating Board of Sheep Inspectors, also office of state sheep inspector; county deputies; levy of sheep tax by county commissioners; quarantine and treatment of diseased sheep; inspection of shipments; fees; penalties. 42, 9 Mr 03

180

## Control of waters

181

## Waterways

See Navigation, 180; Canals, 1383; Ferries and fords, 1388; Bridges, 1393

## 182 Irrigation. Water rights, power, storage

183

## General. State control

**a** Cal. State Board of Examiners to enter into arrangements with director of United States Geological Survey, chief of Bureau of Forestry and director of office of Experiment Station of Department of Agriculture for study of forest resources, water supply and best methods of irrigation; cooperation of surveyor general and Board of Public Works; \$60,000. 155, 16 Mr 03

**b** Col. Abolishing office of water division superintendents of irrigation; governor with consent of Senate to appoint from residents of respective divisions, 5 irrigation division engineers for 2 years; salary \$125 a month; powers and duties as of previous superintendents; appointment to be made on examination by state engineer; district water commissioners to report to irrigation division engineers, these to state engineer. Repealing Ann. S. '91 §2447-57. 125, 4 Ap 03

**c** Col. Persons constructing or enlarging reservoir, canal or ditch to file duplicate maps and statements with state engineer, certificate of approval; fees. 126, 11 Ap 03

**d** Col. Release of state canal no.3 on acceptance by United States. 127, 16 Mr 03

**e** Id. Revision of irrigation laws: regulating use of waters of state; adjudication of water rights; dividing state into water divisions, and these into water districts; creating Board of Irrigation and providing for appointment of division commissioners and district water masters; system of reports. p.223, 11 Mr 03

**f** Mon. Abolishing State Arid Land Grant Commission and creating Carey Land Act Board; creating state engineer; to examine arid lands and waterways, cooperating with Geological Survey and Montana Experiment Station. Repealing P. C. §3530-59f. 114, 7 Mr 03

- g Nev. Irrigation law: providing for measurement, appropriation and distribution of waters; creating office of state engineer; powers and duties; appropriator to file claims with *state engineer* [for county board of water commissioners]; county recorders to transmit transcript of claims to state engineer; latter to cooperate with United States secretary of interior; in construction of irrigation works, \$15,000. Amending '01 ch.59. 4, 1
- h Or. State Land Board to appoint irrigation commission consisting of 2 attorneys, 2 practical irrigators, and civil engineer to draft bill amending present irrigation laws and report to Legislature at next session. 1905. p.353, 1
- i U. Creating Arid Land Reclamation Fund Commission, to consist of five persons appointed biennially by governor and Senate to take measures to secure construction of reservoirs and irrigation works by United States according to U. S. '02 ch.1093, and to direct expenditure of reclamation fund; \$6000. 71, 12
- j U. General irrigation law; providing for appointment of state engineer, water division superintendents and water district superintendents; water declared to be property of state; providing for hydrographic survey of river systems and measurement of streams to be used as basis for adjudication of water rights; regulating division of water; procedure; appeal; \$25,000. 19p. Repealing '97 ch.38, '01 ch.100, 12
- k U. State Board of Land Commissioners to expend \$30,000 to determine feasibility of constructing 2 reservoirs for irrigation purposes. 120, 21
- l Wy. Assistant water commissioners to receive \$4 a day and may be terminated at any time by state water division superintendent. Amending R. S. '99 §893. 28, 1
- m Wy. Salary of 4 state water division superintendents, \$1200 each; Board of Control to *appoint* [formerly superintendent of water division] no. 1 served as] secretary at \$1200. Amending R. S. '99 §85. 41, 15

1184 Arid land grant

- a Wy. Minor amendment to R. S. '99 §953 relative to final determination of reclamation, settlement and occupation of lands conditionally reserved to state for irrigation purposes. 8, 17

1185 Districts. Local construction

- a Cal. Dissolution of irrigation district: on petition of majority of holders of real estate and by vote of two thirds of electors, or by vote of directors to petition Superior Court for dissolution of district. 5, 1
- b Col. Generally amending '01 ch.87 relating to formation of irrigation districts: only electors paying real estate tax in district to vote on organization; contracts of \$10,000 to \$25,000 for construction of works to be ratified by *majority* [formerly one third] of electors. 123, 11

## ADMINISTRATIVE LAW CONTROL OF WATERS

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**Id.** Irrigation districts: organization on petition of 50 or majority of holders of title, approval of state engineer and vote of two thirds of electors; regulations. p.150, 9 Mr 03

**Neb.** Amending C. S. '01 §5511-12, 5514, 5520, 5526, 5530 relating to irrigation districts: *majority of electors owning 40 acres or having 5 year leasehold of 80 acres* [formerly resident freeholders] may organize; date of election; assessments. 121, 10 Ap 03

**Neb.** Principal and interest of irrigation district bonds to be payable at office of *county* [formerly state] treasurer. Amending C. S. '01 §5523, 5530. 122, 10 Ap 03

**Neb.** Amending C. S. '01 §6568a-c relating to discontinuance of irrigation district. 123, 8 Ap 03

**N. M.** Commissioners of ditches receiving water from one source and within same precinct, to hold annual meetings to provide for equitable distribution of water. 15, 4 Mr 03

**N. M.** Amending C. L. '97 t.1 ch.1 relating to acequias or community ditches. 44, 12 Mr 03

**N. M.** Community ditches taking water from common ditch or head to remain under separate management. Amending C. L. '97 §8. 98, 19 Mr 03

**Wash.** County commissioners to appoint district irrigation commissioner on petition of 12 freeholders owning irrigated land; salary; term of office; each county to constitute an irrigation district. Amending '90 p.706 §26. 53, 7 Mr 03

## 1186 Irrigation companies and associations

**Wy.** Water storage companies must make application to state engineer; appeal to Board of Control and District Court; distribution of water; fees of state engineer, and water commissioner; maximum water rate \$2 acre foot. 69, 21 F 03

## 1188 Waste

**Wis.** Prohibiting waste of water by owner of artesian well. 354, 13 My 01. *Unconstitutional*. Not valid exercise of police power. *Huber v. Merkel*, 94 N. W. 354.

## 1189 Artesian wells

**S. D.** Township may condemn land on which an artesian well has been constructed: procedure. Amending P. C. '03 §2695. 63, 28 F 03

**S. D.** Laws relating to artesian wells in townships extended to cities. 64, 4 Mr 03

## 1190 Water rights, power and storage generally

**Cal.** Amending C. C. §1415 relating to filing of notice of appropriation of water for irrigation. 262, 21 Mr 03

**Cal.** Amending C. C. §1416 and adding §1422 requiring claimant to begin construction of diversion works for irrigation purposes within 60 days after notice. 272, 24 Mr 03



- c **Col.** County surveyor on petition of owner of 10 acres of arid land to locate site for reservoir of 10 acre irrigating capacity, supervise construction and inspect reservoir annually; fees. 122, 11 Ap 03
- d **Col.** Amending '99 ch.105 relative to changing point of diversion of water rights; procedure in change from one water district to another; consolidation of petitions; repealing provision permitting limited loans of water. 124, 27 Mr 03
- e **Col.** District Court to adjudicate water rights for purposes other than irrigation; procedure; vested rights of irrigation appropriators to be protected; distribution by water commissioner; proviso. 130, 11 Ap 03
- f **Fla.** Circuit Court, on petition, to build power dam for purpose of public utility; to institute condemnation proceedings; petitioner to pay costs. 93, 4 Je 03
- g **Minn.** Owner of land on river not navigable but available for floating lumber may build dam; proviso. 128, 3 Ap 03
- h **Neb.** Misdemeanor to take water for irrigation purposes contrary to express orders of under assistant of irrigation district. Amending C. S. '01 §5478. 118, 8 Ap 03
- i **Neb.** Power company may use natural channels to return water to stream from which it has been diverted. Amending C. S. '01 §5488. 119, 8 Ap 03
- j **Neb.** Owner of irrigation ditch to maintain head-gate and measuring box at head of each lateral; permission to store water in reservoirs. Amending C. S. '01 §5495, 5499. 120, 10 Ap 03
- k **N. M.** Landowners to pay for use of excess water from public ditches; penalties. 85, 17 Mr 03
- l **N. C.** Amending C. §1857 relating to rebuilding of water mills. 74, 5 F 03
- m **Okl.** Municipal and other corporations may construct dams and reservoirs for water supply; condemnation proceedings. 7 art.2, 16 Mr 03
- mr **S. D.** Amending '01 ch.208 requiring owners of mill dams to construct waste gates. 225, 11 Mr 03
- n **U.** Controversies involving title to water may be submitted to arbitration. Amending R. S. '98 §3221. 51, 11 Mr 03
- p **U.** City council may tax water rights, maintain artesian wells and prevent waste of artesian water. Amending '01 ch.124. 138, 24 Mr 03
- q **Wy.** Repealing R. S. '99 §896 whereby county commissioners regulated sale of surplus water of irrigation ditches. 73, 21 F 03
- r **Wy.** Extending provisions of R. S. '99 §866-69 relating to adjudication of water rights, to cases where determination of same was had under 2 or more adjudication proceedings. 92, 23 F 03
- s **Wy.** Amending R. S. '99 §910, 915 relating to maintenance of partnership ditches: proceedings for recovery on neglect of party to construct head-gates or measuring devices. 93, 23 F 03

## ADMINISTRATIVE LAW CONTROL OF WATERS

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- t **Wy.** Amending R. S. '99 §874 relating to appeals in water right cases: Board of Control to designate District Court in county to which appeals shall be taken, when streams involved run through 2 judicial districts or counties. 97, 23 F 03
- u **Wy.** Clerk of District Court to forward certified copies of judgments in water rights cases to State Board of Control. 104, 23 F 03

191 **Drains. Dikes. Levees***See also Sewerage, 2660*192 **General. County and township ditches. Drainage districts**

- a **Ark.** Enabling County Court to drain swamp lands; regulations. 25p. 159, 23 Ap 03
- b **Cal.** Drainage districts: organization on petition by 50 or majority of holders of title; hearing before board of supervisors and vote of two thirds of electors; election of board of directors to hold office for 4 years; duties, powers and compensation; bond issue; assessment; tax levy; change of boundaries on petition of landowners affected; procedure. 238, 20 Mr 03
- c **Cal.** Drainage: on petition of 10 or more landowners board of supervisors may appoint day for hearing; surveys; assessments; contracts; owners of land to keep drains in repair, or supervisors at cost of owners; penalty for obstructing drain. 258, 21 Mr 03
- d **Col.** Amending P. C. §3492 relating to forming districts for reclamation of swamp land. 13, 12 F 03
- e **Col.** Providing for reclamation of marsh lands: county commissioners on petition for extension of drainage ditch to appoint board of viewers; latter to employ engineer; regulations. 103, 11 Ap 03
- f **Ct.** Amending G. S. '02 §4507 relating to drains across lands of adjoining proprietors. 48, 29 Ap 03
- g **Fla.** Amending '01 ch.5035 relating to construction of drains: act applicable to lateral ditches; latter may be made part of original plat on petition of majority of landowners that would be benefited. 96, '03
- h **Id.** Drainage of swamp lands: organization of district on petition of owners of majority of acreage to county commissioners and vote of majority of electors; regulations. p.256, 11 Mr 03
- i **Ill.** Improvement of drainage districts; upper drainage districts benefited by improvements in lower district liable for proportional cost; proceedings. p.160, 14 My 03
- j **Ill.** Amending R. S. '01 ch.42 §59 relating to organization of drainage subdistricts: construction of additional ditches; *publication of notice*. p.162, 13 My 03
- k **Ill.** Withdrawing restriction that district drainage commissioners improve ditches outside district only on petition of 25% of persons paying assessments in district. Amending R. S. '01 ch.42 §57. p.163, 14 My 03

- l Ind. Construction of public drains: Board of Commissioners to call for final report of viewers on cost and plan of work; duties of court and officials; compensation. 54, 28 F 03
- m Ind. Township trustee, on petition of majority of property owners, shall build flood gates; assessment of benefits; appeal to Circuit Court. 55, 28 F 03
- n Ind. Amending '93 ch.148 §1 relating to construction of ditch on petition of landowners; if cost exceeds \$3000, assessments may be paid in instalments and county may issue bonds. 99, 7 Mr 03
- p Ind. Amending Burns's Ann. S. '01 §5623 relating to constructing drain through incorporated city. 143, 9 Mr 03
- q Ind. Amending Burn's Ann. S. '94 §5677 and '01 ch.100 §3 relating to construction of drains: duties of person in charge; contracts; assessments. 211, 9 Mr 03
- r Ind. Amending '01 ch.100 §2-3 as to dismissal of petition for drain and surveying of drain. 232, 10 Mr 03
- s Mich. Resolution of council of city, town or village to be sufficient release of right of way of drain on street or highway. Amending C. L. '97 §4313. 16, 26 Mr 03
- t Minn. Providing for appraisement of damages resulting from erosion or deposit by drainage ditch; regulations. Supplementing '01 ch.258. 188, 14 Ap 03
- u Minn. State Drainage Board may cooperate with board of county commissioners to extend county ditch. 386, 21 Ap 03
- v Minn. Providing for rehearing when final order of county commissioners establishing ditch is set aside because of failure to give notice of hearing. Amending '01 ch.258 §8. 178, 10 Ap 03
- w Minn. Amending title of '97 ch.318 relating to Board of State Drainage Commissioners and duties of county commissioners in connection with drainage. 217, 14 Ap 03
- x Minn. Amending '01 ch.258 §17 as to county bond issue to defray cost of drainage ditch. 315, 21 Ap 03
- y Mo. County Court may construct or alter ditch, drain, *natural stream not navigable*, or water course. Amending R. S. '99 §8278. p.234, 25 Mr 03
- y1 Mo. Amending R. S. '99 §8292 as to appeals from order of County Court regarding claims for compensation or damages arising from drainage of swamp lands. p.234, 31 Mr 03
- y2 Mo. Misdemeanor to set posts in drainage ditch for support of bridge or to obstruct flow of water in any way; regulating construction of lateral ditches. Adding §8317a-c to R. S. '99. p.236, 23 Mr 03
- y3 Neb. Regulating drainage of swamp lands under supervision of county board acting as drainage supervisors. Repealing C. S. '01 §5291-313. 115, 11 Ap 03
- y4 Neb. Drainage: owners of majority of land in swamp or overflowed region may organize district; board of 5 supervisors to appoint drain commissioner; regulations. 116, 2 Ap 03

## ADMINISTRATIVE LAW CONTROL OF WATERS

1192

- 195 N. J.** Providing for drainage of ponds, artificial reservoirs and swamp lands if necessary for public health; on petition of 10 citizens, Court of Common Pleas may appoint 3 commissioners; latter to employ civil engineer to make survey; regulations; assessments.

93, 31 Mr 03

- 196 N. J.** Amending '90 ch.290 §1, 2, 4, 5, 8 providing for drainage of lands by *municipalities* [formerly townships].

261, 14 Ap 03

- 197 N. D.** Amending R. C. '99 §1447 as to petition for construction of drain.

80, 9 Mr 03

- 198 Wash.** Minor amendment to Ann. C. & S. '97 §3753 relating to drainage districts.

38, 6 Mr 03

- z Wis.** Amending S. '98 §1379 subdiv.11 as to organization of drainage districts lying in 2 counties.

70, 3 Ap 03

- 21 Wis.** Commissioners of drainage districts to receive \$3.50 [formerly \$2] a day and expenses. Amending S. '98 §1379 subdiv.30.

116, 24 Ap 03

**193****Corporations**

- a Ind.** Amending '89 ch.67 §15 relating to construction of dikes and drains by private corporations: assessments of benefits and damages.

18, 19 F 03

**194****Assessment**

- a Cal.** Assessments in districts for reclamation of marsh lands to be made by commissioners appointed by supervisors of county in which *all or greater part* of district is located. Amending P. C. §3456, 3459.

29, 18 F 03

- b Mich.** Amending C. L. '97 §4366 providing for levy and collection of drain taxes by county drain commissioner, prior to completion and establishment of drain.

222, 18 Je 03

- c Minn.** Amending '01 ch.258 §21 as to annual instalments to be assessed in drainage districts.

311, 21 Ap 03

- d Wash.** Providing for special assessment in drainage district to pay warrants and orders issued for services in creation of district; procedure.

67, 12 Mr 03

- e Wis.** Amending '01 ch.43 §4 as to enforcement of collection of drainage assessment against towns; procedure.

192, 11 My 03

**195****State ditches**

- a Ill.** Governor with consent of Senate to appoint Board of Cache River Drainage Commissioners for 2 years; to estimate cost of dredging Cache river; annual report to governor; \$10,000. p.27, 16 My 03

**196****Cleaning. Repair. Obstruction**

- a Fla.** Misdemeanor to place water hyacinths in fresh lakes or streams.

91, 26 My 03

- b Ind.** Obstructions in small streams may be removed by county surveyor at the expense of owner of land.

38, 27 F 03

196-1206

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- c Ind. Repair of dredge ditches; surveyors to estimate costs and benefits; county commissioners to hear remonstrances; contracts; appeal to Circuit Court. 226, 10 Mr 03
- d S. C. Prohibiting obstruction of running streams in certain counties; penalty for failure to remove. 253, 19 F 00. *Unconstitutional*. Special legislation. *State v. Hammond*, 44 S. E. 797.

1197

### Levees. Dikes

- a Mo. Relating to incorporation of additional lands in levee district. Adding §8474a to R. S. '99. p.237, 25 Mr 03
- b Mo. Amending R. S. '99 §8450 relating to securing right of way for construction of levee. p.237, 26 Mr 03
- c Mo. Amending R. S. '99 §8451 relating to raising of roadbed of railroad following or crossing right of way of levee. p.238, 25 Mr 03
- d Mo. Railroad company to construct levee on right of way to connect with levees on abutting property. p.239, 25 Mr 03
- e Mo. Amending R. S. '99 §8455 as to use of levee as roadbed of railroad. p.239, 26 Mr 03
- f N. J. Defining duties of tideland commissioners appointed by majority of owners to effect improvements. Supplementing ch.109-12. 264, 14 Ap 03
- g Tenn. Misdemeanor to travel on or along public or private levees; felony to cause break therein. 303, 2 Ap 03

1198

### Pollution of water

See 1079

1200

## Transportation and communication

See also Navigation, 1800

1201

### General

1203

### Rates. Discrimination

1204

#### General

- a Ark. Regulating through freight, express and passenger traffic; railroad commission to fix rates; penalty. Supplementing '99 ch. 130, 8 Ap 03
- b Fla. Railroad Commission to appeal to Interstate Commerce Commission on failure of transportation companies to heed recommendations; attorney general to assist on application. 110, 4 Je 0

1205

### Discriminations

1206 Rate discrimination

- a Ky. Prohibiting common carriers charging more for short than long haul. Constitution §218. *Unconstitutional* as far as affecting interstate commerce. *Louisville & Nashville R. R. Co. v. Eubank*, U. S. 27. 18
- b N. D. Prohibiting charging more for short than for long haul over single or connecting railroads; rates on connecting lines may not exceed rates on single lines. Amending R. C. '99 §3023. 143, 10 Mr 03

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**Rates (general)**

- a **Mass.** Authority of Board of Railroad Commissioners over rates extended to steamship companies serving as common carriers between Massachusetts ports. 173, 25 Mr 03
  - b **Minn.** Railroad and Warehouse Commission may dismiss proceedings to regulate railroad rates on grounds of interstate commerce; appeal. Adding subdiv.e to S. '94 §393. 189, 14 Ap 03
  - c **Mo.** Freight rates: Board of Railroad and Warehouse Commissioners, on its own motion or on sworn complaint of shipper or mayor, councilman, alderman or trustee of city, town or village, to fix freight rates on railroads; procedure in case railroad refuses to comply; railroads may be required to furnish schedules of rates; board may examine railroad employees. Adding §1194a-b to R. S. '99. p.132, 6 Ap 03
  - d **N. C.** Corporation Commission may regulate milling-in-transit rates. Amending '99 ch.164 §2 subdiv.6. 683, 9 Mr 03
  - e **S. C.** Common carriers to adjust freight charges according to rates stipulated in bill of lading, which must conform with rates filed with railroad commissioners or, in interstate commerce, with Interstate Commerce Commission; proviso; penalties. 50, 23 F 03
- 214 **Coal**
- a **N. D.** Fixing minimum charges for transportation of coal. Amending R. C. '99 §3071l. 146, 10 Mr 03
- 216 **Lumber**
- a **Me.** Repealing R. S. '83 ch.51 §42 relative to the posting of railroad rates of toll for lumber and wood. 47, 4 Mr 03
- 220 **Melons**
- a **S. C.** Railroad companies to publish freight rates for melons for the whole year during January and February; penalty for increasing rates during year. Adding §2096a to C. C. 51, 23 F 03

226

**Passenger rates. Passes***See also Fares (street railways), 1365*

227

**Rates. Tickets**

- a **Ct.** Maximum penalty \$20 [formerly \$7] for evading payment of *steamboat, railroad car*, electric railway fare or carriage hire. Amending G. S. '02 §1428. 123, 21 My 03
  - b **N. C.** Misdemeanor for railroad or steamboat passenger purchasing 2d class ticket to remain in 1st class coach or cabin. 795, 9 Mr 03
  - c **S. C.** Passenger rates on railroads may not exceed 3c a mile; minimum fare to be 5c. Amending C. C. §2165. 54, 23 F 03
- 229 **Counterfeiting. Stealing**
- a **Neb.** Unlawful to make or possess device for counterfeiting or altering railroad tickets, passes etc.; penalty. 135, 11 Ap 03
  - b **Neb.** Prohibiting counterfeiting or altering railroad tickets, passes etc.; penalty. 136, 8 Ap 03

1237

**Passes. Franks**

- a **Mo.** Submitting amendment to Constitution art.12 §24: antipass provisions omitted; transportation companies required to give passes to designated state officials and judges, sheriffs and superintendents of state institutions; penalties. *Vote November 1904.* p.283 '03
- b **Mon.** Amending C. C. §908 by striking out clause making railroad corporation liable to fine for giving tickets or passes to members of Legislature. Repealing Pen. C. §689. 66, 5 Mr 03
- c **W. Va.** Judges of Circuit Courts and Supreme Court of Appeals not to use or receive passes. Amending C. ch.11 §1, 7. 23, 26 F 03

1238

**Race distinction***See also Civil rights, 122*

- a **Ark.** Street railways in cities over 5000 to provide separate accommodations for white and negro passengers; penalty. 104, 27 Mr 03
- b **S. C.** Steam railroads under 40 miles in length to furnish separate apartments for white and colored passengers; excepting freight trains if there is a daily passenger train. Amending C. C. §2159. 53, 2 Mr 03

1240

**Miscellaneous. Common carriers**

- a **Ark.** Railroads to maintain track scales and weigh cars of coal; to furnish shippers with certificate of weight. 24, 17 F; 157, 23 Ap 03
- b **Me.** Repealing R. S. '83 ch.51 §128 allowing consignors to determine over what freight lines goods are to be forwarded. 47, 4 Mr 03
- c **N. C.** Corporation Commission may regulate delivery of freight and charge for demurrage and storage by transportation companies. Adding subdiv.25-26 to '99 ch.164 §2. 342, 3 Mr 03
- d **N. C.** Transportation company refusing to receive freight at station, wharf or landing *or loaded car at warehouse on siding to forfeit to party aggrieved \$50 for each day's refusal and all damages sustained.* Amending C. §1964. 444, 5 Mr; 693, 9 Mr 03
- e **N. C.** Telephone, telegraph or transportation company may not charge higher rates than appear on schedule; transportation company may not neglect to ship goods for more than 4 days or allow delay of over 48 hours en route, or take possession of fuel in emergency without notifying owner; penalties. 590, 9 Mr 03
- f **Pa.** Board of township commissioners may license and regulate fares of vehicles carrying persons or property for pay. 122, 11 Ap 03
- g **S. C.** All common carriers over which through shipments are made to be deemed connecting lines and agents for each other and to be liable for damages to property in through transportation. 1, 13 My 03
- h **Va.** Corporation Commission to fix rates of storage, demurrage and car service for freight, also detention rates; proviso. 260, 16 My 03

1244

**Baggage**

- a **Ind.** Limiting charges for excess baggage on railroads.

126, 9 Mr 03

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- b Mo. Limiting charge per 100 pounds for excess baggage to 12½¢ fare, provided that minimum charge be not less than 25c.

p.126, 14 Mr 03

## 1245 Bicycles

- a N. Y. Steamboats to carry bicycles as baggage. 121, 3 Ap 03

## 1247 Loss or damage

- a Fla. Prohibiting unloading of steamboats or barges so as to damage freight; penalties. 88, 4 Je 03

- b S. C. Common carriers to pay claims for damages to shipments within 40 days in domestic commerce and 90 days in interstate commerce; proviso; penalties. 50, 23 F 03

- c Va. Common carriers liable for loss or injury to property received for transmission; recovery. 258, 16 My 03

## 1251 Unclaimed property

- a Cal. Amending P. C. §3153 relating to sale of unclaimed property by carriers, commission merchants, innkeepers and warehousemen: disposition of proceeds. 79, 6 Mr 03

- b Wis. Providing for sale of perishable or unclaimed property in possession of common carriers; procedure. 391, 21 My 03

## 1253 Special commodities

## 1258 Grain

- a N. D. Railroad to allow 48 hours [formerly reasonable time] for loading grain on cars. Amending R. C. '99 §3068. 145, 2 Mr 03

## 1260 Live stock

*See also Cruelty to animals, 806*

- a Mo. Railroad companies to furnish free transportation to destination and return to shippers of live stock; penalty. Amending R. S. '99 §1097. p.128, 23 Mr 03

- b N. D. Fixing minimum average speed for transportation of live stock at 20 miles an hour; exception; penalty. 144, 19 Mr 03

## 1264 Wood. Lumber

- a Fla. Railroads carrying lumber and timber to equip cars with appliances to insure safety of cargo; penalty. 108, 4 Je 03

- b Wis. Railroad corporations to transport wood *when piled at station sidings in car load quantities*. Amending S. '98 §1800.

368, 20 My 03

## 265 Roads. Streets

*See 2700*

## 266 Railways. Car companies. Express.

*See also Corporations, 500; Corporation taxes, 840; Taxation of transportation and transmission companies, 845; Labor, 2040*

## 267 General. Incorporation

- a Mo. Corporations organized to maintain union stations may operate railroads, bridges, *ferries* and tunnels and hold stock in company connected with terminal facilities. Amending R. S. '99 §1165. p.130, 3 Ap 03



- b N. J. Revision of railroad law. 47p. 257, 14 Ap 03
- c Pa. Amending '01 ch.251 §11 relating to powers of railroad corporations: may abandon part of road on vote of majority of stockholders and consent of local authorities; may contract for use of tracks of other companies; may merge interests with other companies by resolution of stockholders; proviso. 55, 25 Mr 03
- d Tenn. In counties under 45,000, railroad corporations may build switch yards and workshops and acquire property therefor without amendment of charter. 10, 11 F 03
- e Tex. Corporations not chartered by state may not construct or operate railways. 65, 26 Mr 03
- f Tex. Railroad companies may purchase school, university or asylum lands for corporate purposes or for town sites; town site not to exceed 80 acres and to be at least 10 miles from nearest site sold to same company. 97, 31 Mr 03
- g U. Articles of association of railroad corporations filed with auditor of public accounts and state auditor to be transferred to office of secretary of state. 3, 4 F 03

1268

### Corporate organization and power

Chiefly steam roads, but many of the general laws and special provisions include all kinds of railways.

1271

### Conditional sale of equipment

- a Tenn. Amending C. §3587 relative to conditional sale of railroad equipments and rolling stock: credit for purchase money may not exceed 15 [formerly 6] years. 199, 26 Mr 03

1272

### Consolidation, sale, lease

- a Cal. Railroad corporation may sell property and franchises to any noncompeting company by consent of board of directors and three fourths of stockholders; rates not to be increased except by permission of government authority; penalties. Adding §494 to C. C. 45, 27 F 03
- b Cal. Railroad company may purchase or lease franchises, property, stocks or bonds of any noncompeting railroad. Amending C. C. §465. 209, 20 Mr 03
- c Minn. Prohibiting consolidation of parallel railroads. 86, 25 Mr 03
- d Mo. Railroad corporation may acquire lines joining its road directly or by bridge, ferry or otherwise. Amending R. S. '99 §1061. p.127, 3 Ap 03
- e Pa. Railroad and transportation corporations may acquire stock of any company owning majority of stock of transportation corporation. Amending '01 ch.28. 209, 23 Ap 03

1273

### Dissolution. Insolvency

- a Ill. Railroad receivers: applicant for appointment of receiver to give bond unless exempted by court; court may require bond of party in possession instead of appointing receiver. p.290, 15 My 03

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**Meetings**

- a **S. C.** Amending C. C. §2038 relating to execution and limitation of proxies. 47, 16 F 03

8

**Officers**

- a **Mo.** Railroad corporations to have from 5 to 20 [formerly 13] directors. Amending R. S. '99 §1034. p.126, 21 Mr 03
- b **Mo** Corporations organized to maintain union stations may elect from 5 to 20 [formerly 13] directors. Amending R. S. '99 §1164. p.129, 21 Mr 03

9

**Stocks, bonds, mortgages**

- a **N. H.** Railroad bonds may not be sold by company for less than par; railroad commissioners to regulate; company may not apply proceeds to original construction without approval of railroad commissioners. 22, 24 F 03

o

**Public ownership and aid**

i

**State railways. Ownership of stock**

- a **Or.** Providing for construction and operation of state portage railway between highest and lowest points of navigable waters of Columbia river: creating Board of Portage Commissioners; condemnation proceedings; adjustment of freights and fares; biennial report to Legislature; \$165,000. p.108, 17 F 03

2

**Public aid. Exemptions. Subscription to stock**

- a **Minn.** City under 2000 situated on railroad may vote bonds not exceeding 5% of assessed valuation to aid in construction of branch road to parallel railroad within 5 miles. 79, 19 Mr 03
- b **N. Y.** Amending '92 ch.685 §12 as to payment of principal and interest of bonds issued by towns to aid construction of railroads. 515, 9 My 03

3

**Exemption from taxation**

- a **Ari.** To encourage construction of railroads, property to be exempt from taxation for 10 years; regulations. 35, 18 Mr 03

5

**General supervision and regulations**

5

**General. State boards**

- a **Kan.** Board of Railroad Commissioners to consist of 3 persons *elected biennially* [formerly 1 was appointed each year by Executive Council]. Amending '01 ch.286. 391, 13 Mr 03
- b **Me.** Repealing R. S. '83 ch.51 §40 relative to the duties of railroad corporations owning connecting roads. 47, 4 Mr 03
- c **Me.** Amending R. S. '83 ch.51 §114 and repealing §115 relative to annual examination by railroad commissioners and statement of condition of road and rolling stock in report to governor. 176, 27 Mr 03
- d **Mon.** Reasonable attorney's fees for plaintiff to be included in costs where judgment is rendered against railroad corporation for injury to animals; corporation to maintain ditches and culverts where

- road has interfered with drainage. Amending C. C. §955 and adding 955A. 101, 6 Mr 03
- e N. H. Corporations owning majority of stock of or operating railroad to report to Board of Railroad Commissioners; reports; bond issue. 55, 7 Mr 03
- f O. Requiring railroad companies to maintain drainage ditches. R. S. §3342-46. *Unconstitutional*. Takes private property without due process of law. *Chicago & Erie R. R. Co. v. Keith*, 65 N. E. 1020.
- g Vt. Generally amending S. '94 ch.172, '98 ch.74, 132, and repealing S. '94 §3991-92 relating to state railroad commissioners: appointment; term of office, 6 [formerly 2] years; clerk to be member; powers; appeal to Supreme Court; penalties; removal of commissioner. 68, 12 D 02
- h Wis. Supplementing S. '98 §1796 conferring additional powers on railroad commissioner: with approval of governor may employ expert accountants in examination of witnesses; depositions of non-resident witnesses; penalty and forfeiture for refusal to allow books to be inspected. 431, 22 My 03
- 1288 Construction
- a Tex. Railroad Commission may authorize railroad to construct additional track on right of way. 99, 31 Mr 03
- 1289 Branch roads. Side tracks
- a Tenn. Amending C. §1489 authorizing railroad corporations to build lateral roads not exceeding 15 [formerly 8] miles in length. 210, 25 Mr 0.
- b Tex. Railroad Commission may require railroads to build sidings and spur tracks. 68, 27 Mr 0.
- 1290 Gage
- a Pa. Railroads shall have tracks of standard gage 4 feet, 9 inc unless incorporated under law permitting gage not over 3 feet. Supplementing P. & L. Digest '94 p.3907. 208, 23 Ap 03
- 1292 Limit of time of completion
- a Ga. Secretary of state may relieve forfeiture of railroad corporations and extend time of constructing road for period of 2 years: regulations. Amending C. §2166. p.36, 17 Ag 03
- 1293 Motive power
- a Tenn. Railroads authorized to operate by steam may substitute electricity. 59, 9 F 03
- 1294 Terminal facilities
- a Wis. Point of intersection of railroad and state boundary not to be deemed terminus of railroad unless there is a village over 100 at such point. Amending S. '98 §1832. 49, 31 Mr 03
- 1295 Location. Right of way
- a Ga. Company owning road originally narrow gage for three fourths of length in state, may relocate and reconstruct to reduce grades and curvature and condemn land therefor to Sep. 1, 1906; regulations; proviso. Amending C. §2171. p.36, 17 Ag 03

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- b Ind.** Amending Burns's Ann. S. '01 §5171 relating to alteration of railroad route: location of highway on abandoned route.

121, 9 Mr 03

- c Tenn.** Railroad corporations may relocate lines for removing curves and reducing grades, build double tracks, depots etc. and acquire property therefor: consent of local authorities required for relocation within city, town or taxing district.

11, 11 F; 216, 26 Mr 03

**6 Abandonment. Required operation**

- a Pa.** Portion of railroad not used for 6 months to be deemed abandoned; passenger railways excepted.

14, 5 Mr 03

**17 Eminent domain. Damages***See also Eminent domain (general), 382*

- a Kan.** Railway companies may condemn state lands not used for public purposes; procedure.

392, 4 Mr 03

- b Me.** Right of way of railroad corporations through woodland and forest limited to 6 [formerly 4] rods in width; exception. Amending R. S. '83 ch.51 §14.

23, 25 F 03

- c Me.** County commissioners, in awarding damages for property taken by railroad or *street railroad company*, to prescribe conditions. Amending '93 ch.236.

28, 4 Mr 03

- d Me.** Amending R. S. '83 ch.51 §16 relating to property that may be taken by railroads for stations, *coal sheds*, repair shops, etc.

164, 26 Mr 03

- e Neb.** Amending C. S. '01 §1772 relating to condemnation proceedings for right of way of railroad corporation: procedure.

28, 8 Ap 03

- f U.** Railroad company may condemn lands for depot, grounds, *roundhouses, shops and other necessary uses*. Amending R. S. '98 §436.

108, 12 Mr 03

**8 Franchise. Location**

- a Ga.** Exempting electric railways from provisions of C. §2180 requiring new railroad to be laid 10 miles from existing railroad.

p.38, 6 Ag 03

- b Ind.** Forbidding location of railway on lands of any state institution except by written contract with commission composed of governor, auditor and attorney general.

119, 9 Mr 03

- c Me.** Amending R. S. '83 ch.51 §15 as to recording of location of railroad.

93, 13 Mr 03

- d Wis.** *Commissioners of public lands may convey on terms fixed by them* [formerly railroad may take] right of way 100 feet wide through state lands; *title to be reserved by state*. Amending S. '98 §1857.

370, 20 My 03

**o****Reports**

- a Me.** Repealing R. S. '83 ch.2 §46 requiring secretary of state to prepare blanks for railroad reports.

53, 4 Mr 03

- b Mass.** Repealing R. L. ch.111 §84 requiring fee of \$20 for filing annual returns of railroad corporations.

126, 3 Mr 03

1301 **Traffic regulations**

1303 **Railroad stations**

1305 *Required stations. Agents*

- a **Minn.** Railroad company may not close or remove railroad station or withdraw agent from station without consent of Railroad and Warehouse Commission. 319, 21 Ap 03
- b **N. D.** Railroads to maintain station houses at sidings where annual freight charges on shipments of grain and merchandise amount to \$25,000 [formerly \$40,000] and receipts of incoming freight amount to \$4000 [formerly \$3000]. Amending R. C. '99 §2985. 147, 5 Mr 03

1306 *Union stations*

- a **N. C.** Corporation Commission may require railroads to maintain union passenger depots in any city or town; appeal. Adding §13a to '99 ch.164. 126, 16 F 03

1307 **Supply of cars. Loading**

- a **Minn.** Railroad company to allow shippers 36 hours to load cars with grain, flaxseed and other farm produce. 320, 21 Ap 03

1308 **Train service**

- a **Tex.** Railroad corporation to employ train despatcher to keep agents informed of movement of trains. Amending R. C. S. art.4494 and adding 4494a. ex. sess. 11, 1 My 03

1310 *Required trains. Stops*

- a **Tex.** Railroad Commission to designate stations at which passenger trains must stop; 4 trains a day to stop at county seat. Amending R. C. S. art.4580 subdiv.2. 117, 1 Ap 03

1311 *Train bulletins*

- a **Ind.** Amount recoverable from railroad company, for failure to announce time of trains, not to exceed \$300 for any one station. Amending '89 ch.139 §2. 22, 21 F 03
- b **Mon.** Notices to be posted in railroad stations showing lateness of delayed passenger trains; if practicable, central telephone exchange to be notified; penalties. 65, 5 Mr 03
- c **S. C.** Notice of delay of passenger train to be posted at every telegraph station *when telegraph operator is on duty*; fine \$20 [formerly \$5] to be sued for by *person aggrieved* [formerly railroad commissioners], *who shall receive half of sum*. Amending C. C. §2170. 55, 20 F 03
- d **Tex.** Railway agent to post notice showing whether passenger train is on time and if not, how late and cause of delay. Amending R. C. S. art.4560c. 107, 3 Ap 03
- e **Wis.** Railroad corporations to provide bulletins of passenger trains; regulations; fine. 63, 3 Ap 03

1313 **Public safety, comfort and order**

1314 **Safety regulations**

1315 **Accidents. Liability**

*See also Employers liability, 2125*

- a **Mass.** Railroad and street railway corporation to give notice of accident resulting in loss of life to medical examiner of county and Board of Railroad Commissioners. Amending R. L. ch.111 §263. 257, 30 Ap 03

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**6 Brakes. Couplers**

- a Ind.** Trains to be equipped with automatic couplers and brakes.  
120, 9 Mr 03

**7 Crossings**

- a Fla.** Extending application of R. S. '92 §2263 relating to stopping of trains at railroad crossings, to freight trains and street cars: penalty. III, '03
- b Mon.** Trains to come to full stop at grade crossing unless interlocking plant, signal station or other device approved by county commissioners or District Court is used. 8, 17 F 03
- c Mon.** Amending C. C. §908 by striking out clause permitting trains or cars to cross railroad without coming to full stop. Repealing Pen. C. §689. 66, 5 Mr 03
- d N. D.** Trains to stop before crossing railroad track *unless certain devices approved by commissioners of railroads are used.* Amending R. C. '99 §2977. 148, 10 Mr 03
- e Vt.** Amending S. '94 §3869 requiring railroad trains and engines to come to full stop and sound whistle at 100 to 1000 feet from intersection. 69, 9 D 02

**8 Street railways**

- a Ind.** Crossings of street railways and railroads: in crossings at grade, street railway to maintain interlocking works; crossings above or below grade. 59, 3 Mr 03
- b Kan.** Trolley lines crossing railways to be at least 21 feet above rail; street cars to come to full stop between 10 and 20 feet from track; proviso. 488, 13 Mr 03
- c N. H.** *Unless otherwise ordered by railroad commissioners,* street car may not cross railroad at grade without coming to full stop. Amending '95 ch.27 §13. 88, 24 Mr 03

**9 Highway crossing**

- a Kan.** Amending '97 ch.169 regulating obstruction of roads and streets by engines and cars. 394, 7 Mr 03
- b Mass.** Amending R. L. ch.111 §153 relative to damages caused by abolition of grade crossings. 478, 26 Je 03

**11 Fencing. Cattle guards. Killing stock**

- a Ari.** Liability of railroad for killing or injury of live stock. Amending R. S. '01 §3039-40. 48, 19 Mr 03
- b Fla.** Amending '99 ch.45 §9 as amended by '01 ch.136 relating to stock injured by railroads: if value is less than amount demanded, court to render judgment for actual value and costs; proviso. 109, 30 My 03
- c Okl.** Railroad companies to fence road; owners of adjacent property may use fence; penalty. Repealing S. '03 §1059-61. 9 art.3, 16 Mr 03
- d U.** Minor amendment to '01 ch.86 requiring railroad companies to fence their tracks. 83, 12 Mr 03
- e Wash.** Railroad companies to fence right of way and maintain crossings and standard cattle guards. 158, 16 Mr 03

**1322 Fire guards, injury by fire**

- a , Col. Amending Ann. S. '91 §3706 relating to liability of railroad company for damages caused by fire: party injured to bring action within 2 [formerly 3] years; damages may not pass by assignment or subrogation to insurance company. 153, 9

**1324 Speed**

- a N. C. Railroad deeming speed regulations of municipal corporation reasonable may petition Corporation Commission to fix rate of speed in such municipality; procedure. 552, 6

**1325 Train crew**

- a Ari. Trains run on mountain divisions with grade over 100 feet to mile to employ additional brakeman for every 600 tons of freight; penalty. 34, 1

**1327 Miscellaneous safety regulations**

- a Col. Railroads to provide switch lights; to be lighted from sunset to sunrise; penalty. 154, 1

**1328**

**Public comfort regulations**

For labor on railways see Labor, 2040

**1331 Waiting room**

- a Tex. Railway agent to keep waiting rooms lighted and clean; Amending R. C. S. art.4560c. 107,

**1332**

**Public order. Railway police**

**1333 Obstruction, injury to cars, etc.**

- a Col. Misdemeanor to tamper with railway switches. 98,
- b Col. Prohibiting use of railway bicycle, push car, hand car, etc. without permit; exception; penalty. 155,
- c Me. Misdemeanor to interfere with railroad signals. 17
- d Me. Penalty for tampering with transit points or benches of railroad location or survey; liability for damages. 201,
- e Minn. Person not employee may not use track bicycle or velocipede without permit from railroad company. 262

**1334 Railway police**

- a Ari. Governor on application to appoint policemen to guard premises and cars of railroad companies. 76,

**1335 Stealing ride. Boarding train**

- a Id. Misdemeanor to steal ride on train; conductor or brakeman may arrest without warrant and deliver to peace officer. p.41.
- b Okl. Misdemeanor to trespass on railway trains; jurisdiction. 12 art.5,
- c Or. Misdemeanor to steal or attempt to steal ride on train. p.138

**1336**

**Street railways. Rapid transit**

**1337**

**General. Incorporation**

See also Corporation taxes. See Taxation of transportation companies. See Labor, 2040

- a Ga. Street or suburban railroad in county contiguous to another state may be extended into adjoining state. p.69

## ADMINISTRATIVE LAW TRANSPORTATION

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- b Ind.** Amending '01 ch.20 §1, 4-5 relating to privileges of companies constructing or acquiring street railroads: purchase of property; width of road; rates. 36, 26 F 03
- c Ind.** Defining the term, railroad, as used in certain acts to include street and interurban railways. 134, 9 Mr 03
- d Ind.** Railroads organized under general railroad law may come under operation of street and interurban railway laws. 150, 9 Mr 03
- e Me.** Provisions of R. S. '83 ch.51 §78-80, 109, '91 ch.129 §8, '93 ch.236 relating to railroad fares, trustees of mortgages, branch tracks and condemnation proceedings to be extended to street railroads. 19, 25 F 03
- f Mo.** Electric light and power companies in cities under 10,000 may purchase or construct and operate street railroads. p.102, 21 Mr 03
- g Mo.** Articles of association of street railroad company to be recorded in office of county or city recorder of deeds and filed with secretary of state. Amending R. S. '99 §1186. p.135, 30 Mr 03
- h Neb.** Granting right of way for electric lines on highways; provisos; penalty for malicious injury. 117, 2 Ap 03
- i N. J.** Street railway companies incorporated under '86 ch.135 and '91 ch.28 may incorporate under traction act of '93 ch.172; provisos. 263, 14 Ap 03
- j N. C.** Municipal railways and interurban lines not over 50 miles long to be deemed street railways, regardless of motive power. Amending '01 ch.6 §1. 350, 3 Mr 03
- k Okl.** City or town authorities may grant franchises for construction of electric railways; proviso; railway companies may take lighting contracts. 9 art.4, 16 Mr 03
- l S. C.** Amending C. C. §1880 relating to issue of charters to tramway corporations. 41, 16 F 03
- m Tenn.** Amending '91 ch.52 so as to include street railways. 43, 11 F 03. *Unconstitutional.* Does not recite caption or substance of law amended. *Memphis Street Railway Co. v. State*, 75 S. W. 730.
- n Tex.** Street railway companies may carry freight, subject to control of state railroad commissioners, and sell electric light and power. Amending R. C. S. art.642 subdiv.21. 44, 19 Mr 03
- p Tex.** Corporations may be formed to operate interurban electric railways; union depots; to be liable for special assessments. Adding subdiv.60 to R. C. S. art.642. 129, 1 Ap 03
- q Vt.** Chapter 170 of S. '94 and amendments to be part of special incorporation act of street railroads. 71, 21 N 02
- r Wash.** Regulating electric railways: legislative body of city or town or county commissioners may grant right of way on streets or roads; company may condemn land for corporate purposes, may lease or purchase similar corporations; exception. 175, 10 Mr 03



**1339 Corporate organization and powers****1342 Consolidation, sale, lease, contracts**

- a **Ind.** Amending '99 ch.165 §6 as to consolidation of street *and* interurban railway companies. 94, 7 Mr 03
- b **Ind.** Street railroad company, by vote of holders of majority of shares, may transfer property; appeal to Circuit Court. 186, 9 Mr 03
- c **Wis.** Street or interurban railway company operating railway or selling gas, electricity or steam in border county may consolidate with similar company in adjoining county in other state. 347, 21 My 03

**1345 Mail. Express. Light freight**

- a **Mass.** Street railway companies, with consent of aldermen or selectmen and Board of Railway Commissioners, may serve as common carriers of baggage and freight. 202, 7 Ap 03

**1348 Property**

- a **Tenn.** Electric railway companies may own parks and extend tracks thereto. 321, 7 Ap 03

**1349 Stock. Bonds**

- a **Ga.** Street or suburban railroad corporations may increase capital stock or issue preferred stock to retire bonds on vote of two thirds of capital stock. p.68, 17 D 02
- b **Ind.** Street railway companies may issue stock preferred in division of assets as well as of dividends. 199, 9 Mr 03

**1350 Public ownership and aid**

- a **Ill.** Municipal ownership of street railways: law to be in force in any city after adoption by majority vote; city may own street railways and lease for 20 years or less; referendum on proposition to lease for over 5 years or to renew lease on petition of 10% of voters; on vote of majority of electors city may operate street railways, issuing city bonds or street railway certificates; regulations. p.285, 18 My 03

**1352 General supervision**

- a **Me.** Street railroad corporations may appeal from regulations of municipal officers of town or city to Board of Railroad Commissioners; decision final. Amending '93 ch.268 §11. 15, 28 F 03
- b **Mich.** Commissioner of railroads to have supervision over street railways, interurban and suburban railways; powers and duties; attorney general or prosecuting attorney of county to prosecute; penalties. 189, 14 Je 03
- c **N. H.** City or town may regulate care of highway by street railway company. Amending '95 ch.27 §7, 10. 94, 25 Mr 03

**1353 Construction****1357 Motive power**

- a **N. H.** Street railways using *or authorized to use* steam may use electricity. Amending '95 ch.27 §22. 102, 31 Mr 03

## ADMINISTRATIVE LAW TRANSPORTATION

1359

**1359** *Location. Right of way***1361** *Eminent domain*

- a **Me.** Enlarging powers of street railroads in taking lands: owner failing to consent, corporation may apply to railroad commissioners.

25, 26 F 03

- b **Mass.** Aldermen or selectmen may, with approval of railroad commissioners, authorize street railway company to take land in order to avoid dangerous curves; crossings.

476, 26 Je 03

**1362** *Franchises. Location of track. Extensions**See also Franchises (general), 2628*

- a **Me.** Town officers may cancel location of street railroads after approval and before occupation on petition of directors of corporation; change of location under direction of railroad.

86, 12 Mr 03

- b **Minn.** Council of village under 3000 may authorize construction of street railways to connect village with surrounding territory.

139, 8 Ap 03

- c **N. Y.** Street railways may not be built or operated without consent of common council, board of trustees, commissioner of highways or other board or official having control of streets. Amending railroad law '90 ch.565 §91.

537, 9 My 03

- d **S. D.** City council may permit construction of electric street railroads; period not to exceed 20 years. Amending P. C. '03 §1229 subdiv.24.

221, 4 Mr 03

**1365** *Fares. Passes*

- a **Cal.** Street car fares not to exceed 5c a trip for any distance in one direction. Amending C. C. §501.

156, 16 Mr 03

- b **Tex.** Street railways in cities over 40,000 to carry children under 5 free and children under 12 for half fare; to sell half fare tickets in lots of 20 to students under 17.

116, 10 Ap 03

**1367** *Reports*

- a **Mass.** Repealing R. L. ch.112 §95 requiring annual report of street railway corporation to be accompanied by fee of \$20.

328, 7 My 03

**1368** *Public safety and comfort*

- a **Ct.** Extending to street railways not running on public highways provisions of G. S. '02 §3733, 3735-39 relating to cattle guards and fences.

79, 11 My 03

- b **Ind.** Electric trains running more than 18 miles to be provided with drinking water and water-closets.

141, 9 Mr 03

- c **Mass.** Board of Railroad Commissioners may require companies to equip street cars with brakes and emergency tools. Amending R. L. ch. 112 §52.

134, 7 Mr 03

- d **Mass.** Aldermen or selectmen may regulate speed and use of tracks of street car companies, *subject to approval of Board of Railroad Commissioners.* Amending R. L. ch.112 §40.

143, 10 Mr 03

168-91

N. Y. STATE LIBRARY SUMMARY OF LEGISLATION 1903

- e N. Y. Cars on elevated railroads to have gates held open by catch or spring or *sliding vestibule doors*. Amending railroad law '90 ch.565 §139. 273, 24 Ap 03
- f Wis. Interurban lines over 15 miles long to provide drinking tanks and toilet rooms; penalty. 74, 6 Ap 03
- 1368(5) Crossings  
See also 1318
- a Ind. Interurban and suburban electric railways to provide fences and cattle guards at public crossings; to provide private crossings; exceptions. 227, 10 Mr 03
- 1370 Guards. Brakes
- a Or. Street cars to be provided with fenders; penalties. p.94, 17 F 03

1383

## Canals

1386

### Public ownership and aid

- a N. Y. Submitting to people plan for improvement of Erie, Oswego and Champlain canals: state engineer and advisory board of consulting engineers to prepare plans subject to approval of Canal Board; state superintendent of public works to supervise construction and award contracts on approval of state engineer and Canal Board; state comptroller to provide for issue of 3¢ bonds not to exceed \$101,000,000; annual tax of .012 mill for each \$1,000,000 of outstanding bonds. *Adopted November 1903*. 147, 7 Ap 03

1388

## Ferries. Fords

- a Ct. Regulating ferry charges for power vehicles except motorcycles. 38, 23 Ap 03
- b Fla. Regulating establishment and maintenance of ferries: county commissioners to grant ferry franchises, limited to 15 years; provisos; rates and service to be fixed every 3 years by arbitration or agreement; purchase by county authorized on submission to vote of people. 80, 26 My 03
- c Ga. Repealing '01 p.21 relating to ferry crossing county line. p.28, 16 Jl 03
- d S. D. Amending P. C. '03 §1778-86 relating to ferries: county commissioners and municipal authorities may grant leases. 143, 12 Mr 03

1391

### Public

- a Cal. Boards of supervisors of counties separated by navigable river may maintain ferries. 141, 16 Mr 03
- b Me. County commissioners may establish ferries to be supported by towns and *discontinue same*. Amending R. S. '83 ch.20 §2. 105, 18 Mr 03

1393

**Bridges. Tunnels**

1395

**Bridge companies**

- a **Ct.** Regulating toll bridge charges for power vehicles, except motorcycles. 38, 23 Ap 03
- b **Mo.** Bridge company constructing or maintaining bridge connecting towns or cities in different counties may, with consent of municipal authorities and after ascertaining damages to abutting property, maintain approaches through streets. Adding §1351a to R. S. '99. p.57, 27 Mr 03
- c **Vt.** Governor to appoint for 2 years bridge commission of 3 members, to confer with New Hampshire commission to consider the freeing of toll bridges between the 2 states; report to Legislature of 1904. 159, 12 D 02

1396

**Bridges on boundaries**

- a **Ga.** Repealing '01 p.21 relating to bridge crossing county line. p.28, 16 Jl 03
- b **Id.** County commissioners in contiguous counties may enter into joint contract for construction of bridge on boundary; expense to be divided equally. Amending R. S. §945. p.367, 4 Mr 03
- c **Ind.** Providing for erection, repair or purchase of bridge across stream forming county boundary; respective boards of county commissioners to appoint superintendents to supervise construction; joint appropriation; procedure. 11, 11 F 03
- d **N. J.** Providing for joint maintenance of bridges by counties; boards of chosen freeholders may issue bonds. 6, 26 F 03
- e **Wis.** Providing for construction and maintenance of bridges across navigable stream forming state boundary line; joint action by supervisors of adjoining counties; tax levy; bonds. 94, 20 Ap 03

1401

**Public bridges**

- a **Cal.** Board of supervisors may transfer cost of bridge or tunnel from road district to county road fund. Amending P. C. §2712. 15, 12 F 03
- b **Kan.** Amending '79 ch.77 §6 relating to contracts for constructing bridges. 95, 7 Mr 03
- c **Neb.** In emergencies county board may provide for repair of bridges without advertising for bids. 83, 7 Ap 03
- d **Okla.** County commissioners may authorize township trustees to construct bridges over 200 feet long: regulations; bridge tax; bridges crossing local boundaries; toll bridges. 29 art.2, 11 Mr 03
- e **Pa.** County commissioners may provide ferries or temporary ways as substitutes for destroyed or impassable bridges. 15, 5 Mr 03
- f **Pa.** City may build viaducts or bridges and may contract with railroad or other party interested; county may pay part of cost in certain cases; contracts. 71, 26 Mr 03
- g **Pa.** County may aid township or city under 100,000 in construction of expensive bridges. Amending P. & L. Digest '94 p.4167. 72, 27 Mr 03

- h **Pa.** County may construct bridge where public road intersects railroad if cost is greater than township is reasonably able to bear; apportionment of cost between county and railroad. 123, 11 Ap 03
- i **Pa.** County commissioners may have iron or steel bridges painted and bolts tightened whenever necessary. 167, 21 Ap 03
- j **Pa.** Amending '95 ch.101 relating to reconstruction at state expense of bridges destroyed by flood or *wind storm* [formerly fire or other casualty]: Board of Public Grounds and Buildings to appoint superintendent of construction; compensation; inspection by 3 [formerly 6] persons; contract. 169, 21 Ap 03
- k **Pa.** Amending P. & L. Digest '94 p.219 relating to construction of bridges on *or within ¼ mile of* county line. 219, 23 Ap 03
- l **Pa.** Counties may accept and maintain bridge built by borough or township if given without charge. 253, 27 Ap 03
- m **Tenn.** County Court may not build bridges, when outstanding bridge warrants or bonds exceed 1% of tax valuation of county. Amending C. §1714. • 586, 1 Ap 03
- n **Wis.** On petition of town board stating that one half cost of bridge exceeds ⅙ [formerly ¼] of taxable property, county board to appropriate other half; limiting county bridge tax to 1 mill [formerly 2]. Amending S. '98 §1319. 225, 9 My 03

1403 **Regulation of bridges over navigable waters**

- a **Ct.** Railroad drawbridges need be opened only for passage of vessels. 32, 14 Ap 03
- b **Minn.** Authorizing construction of fixed span bridges across Minnesota river above Le Sueur. 160, 10 Ap 03

1410 **Telegraph and telephone**

*See also* Electric apparatus and power (injury to), 320; Unlawful messages, 1252; Corporations, 500; Corporation taxes, 840; Taxation of transportation and transmission companies, 845; Labor, 2240

1411 **General. Incorporation**

- a **Ill.** Regulating telephone companies: certain laws relating to telegraph companies to apply; use of roads and streets. p.350, 16 My 03
- b **Mo.** Articles of association of telegraph and telephone companies: to be *recorded in office of county recorder of deeds and* filed with secretary of state. Amending R. S. 1247. p.137, 24 Mr 03

1412 **Corporate organization and powers**

- a **N. J.** Telegraph company may borrow money and issue bonds secured by mortgage of its franchises, realty, or personalty; regulations. Supplementing G. S. '95 p.3457. 86, 26 Mr 03
- b **N. J.** Telegraph companies incorporated under G. S. '95 p.3457 may be dissolved according to general corporation law '96 ch.185 §31. 184, 8 Ap 03

### Supervision

#### 5 Franchise. Location. Placing of wires

**a Fla.** Telegraph or telephone companies may operate lines along right of way of railroads: provisos; grant of powers of eminent domain; procedure. 106, 29 My 03

**b Me.** Amending '95 ch.103 §3 removing restriction forbidding telegraph and telephone corporations to construct lines along route of other corporations without consent. 141, 24 Mr 03

#### 7 Franchise

**a Fla.** Telegraph or telephone companies may occupy roads; regulations. Amending R. S. '92 §2256. 157, 4 Je 03

**b Ind.** Telephone companies may place poles along highways outside of cities and towns: supervision of county commissioners; provisos. 107, 7 Mr 03

**c Mo.** Telephone or telegraph companies may not place wires, poles and other fixtures in city without consent of authorities. Amending R. S. '99 §1251. p.137, 23 Mr 03

**d N. H.** Amending P. S. ch.81 §2 relative to locating and licensing lines of telegraph and telephone companies: mayor and aldermen may delegate authority. 81, 20 Mr 03

**e N. D.** Person or corporation *organized or licensed to do business in state* [formerly if majority of stock is owned by residents and principal place of business is in state] may be granted right of way for telephone lines. Amending R. C. '99 §3225a. 196, 9 Mr 03

#### o Rates. Discrimination

**a Mo.** Council of city of 3d class may fix telephone rates of person or corporation operating under franchise granted by city. Amending R. S. '99 §5835. p.78, 24 Mr 03

#### 1 Transmission and delivery. Secrecy

**a Ark.** Allowing damages against telegraph companies for mental suffering resulting from negligence in delivering messages. 68, 7 Mr 03

**b Fla.** Prohibiting disclosure of contents of telephone messages; penalties. 105, 13 My 03

**c N. C.** Misdemeanor to obtain knowledge of telephonic message through employee of company, or for employee to divulge message. 599, 9 Mr 03

**d S. D.** Misdemeanor to divulge contents of telegraph or telephone messages except by order of court. 222, 14 F 03

## 2 Commerce and industry (general)

### 3 Weights and measures

#### 5 General

**a Cal.** Persons engaged in warehouse, wharfinger or storage business to appoint weighers; use of true scales; board of supervisors may appoint inspector of weights and measures. 269, 24 Mr 03

- b **Id.** Secretary of state constituted state sealer of weights and measures; establishing standard of weights and measures uniform with standard recognized by United States; county auditor to have custody of county standards; commissioners to be county sealers; fees; penalty. p.87, 6 Mr 03
- c **Minn.** Fixing weights and measures. Amending S. '94 §2200-1. 368, 21 Ap 03
- d **Wis.** Governor to employ expert to restandardize state standards of weights and measures and mount them in College of Engineering of State University; \$500. 274, 14 My 03

## 1426

**Sealers. Public scales. Standards**

- a **Me.** Amending R. S. '83 ch.43 §12-17 and adding section requiring maintenance of meridian line and standard of length in each county by commissioners; governor to appoint commissioner to verify same; penalty \$25 [formerly \$10] for failure of surveyor to verify compass or compare chain annually. 197, 28 Mr 03
- b **S. D.** City or town authorities may appoint inspector of scales, to examine monthly all scales weighing over 500 pounds; powers, bond and compensation. 210, 11 Mr 03
- c **Tex.** Amending R. C. S. art.4309-10, 4315-16 relating to public weighers: bond; to issue certificates for goods weighed and not permit removal of goods till certificate is returned; fees. 132, 1 Ap 03

## 1427

**Agricultural products**

- a **Me.** Fixing standard weight of bushel of beans at 60 [formerly 62] pounds. Amending R. S. '83 ch.38 §57. 11, 18 F 03
- b **N. D.** Fixing standard bushel of timothy seed, speltz, apples and brome-grass. Amending R. C. '99 §1722. 209, 4 Mr 03

## 1429 Fruits

- a **Ark.** Fixing standard bushel for apples. 91, 20 Mr 03
- b **Mass.** Cranberry barrels and crates to be of a certain standard measure; penalty. Repealing R. L. ch.57 §24. 408, 3 Je 03
- c **N. J.** Standard cranberry barrel to hold 100 quarts; size; penalty; state inspectors of cranberries to enforce law. Supplementing G. S. '95 p.1045 ¶116. 256, 14 Ap 03
- d **Wash.** Fixing standard size of apple and pear boxes. 42, 6 Mr 03

## 1459

**Wheat and corn products**

- a **S. C.** Misdemeanor to sell corn meal in bags or packages not containing 2 bushels or 1,  $\frac{1}{2}$ ,  $\frac{1}{4}$  or  $\frac{1}{8}$  bushel, the standard weight of a bushel being 48 pounds. 85, 23 F 03
- b **Tenn.** Misdemeanor to sell short weights of flour, grits and corn meal; legal weights; variations. 443, 15 Ap 03

## 464 Adulterations and imitations. Branding. Inspection

*See also* Adulterations liable to affect public health, 955; Timber brands, 1897

### 466 Adulteration. Inspection

- a **Ct.** False representation of gold and silver ware: manufacturer or dealer may file in office of secretary of state a \$5000 bond; prosecution dismissed if defendant having bought articles on good faith gives affidavit of address of seller who has furnished bonds as above; attorney general to sue on forfeited bond. 120, 21 My 03
- b **Me.** Repealing R. S. '83 ch.39 §7-13 regulating inspection of pot and pearl ashes; office of state inspector of pot and pearl ashes abolished. 42, 4 Mr 03
- c **Me.** Repealing R. S. '83 ch.39 §30-31 regulating inspection of firearms; office of state prover of firearms abolished. 51, 4 Mr 03
- 1472 **Commercial feed for stock**
  - a **Ct.** Amending G. S. '02 §4595 relative to analysis of feeding stuffs, by *Agricultural Experiment Station* [formerly state] chemist. 169, 11 Je 03
  - b **Ind.** Penalty for making or selling adulterated food for animals. 155, 9 Mr 03
  - c **Me.** Amending '97 ch.334 relating to commercial feeding stuffs: \$1000 annual appropriation for analysis by director of Agricultural Experiment Station; fines; *commissioner* of agriculture [formerly secretary of board] to prosecute. 230, 28 Mr 03
  - d **Mass.** Regulating sale of concentrated commercial feed stuffs: labels to show weight and food value; periodical inspections under supervision of director of Experiment Station of Agricultural College; penalties. Amending R. L. ch.57. 122, 2 Mr 03
  - e **N. C.** Regulating sale of concentrated commercial feeding stuffs: bags to be labeled and percentages of fiber, fat and protein given; manufacturers to forward statement of ingredients and sample to commissioner of agriculture; inspection tax certificate; annual analysis by state chemist; penalties. 325, 2 Mr 03
  - f **Tenn.** Regulating manufacture and sale of stock food: packages to be plainly labeled showing proportion of ingredients; penalties. 429, 15 Ap 03
  - g **Vt.** Generally amending '98 ch.83 as to sale of concentrated feeding stuffs: chemical analysis affixed to same to give *minimum per cent of crude protein and maximum per cent of crude fiber*; \$500 annual appropriation for University of Vermont and State Agricultural College to pay expense of analysis by director of Experiment Station; prosecution by *state's attorney of county* [formerly state treasurer]. 84, 10 D 02
- 1473 **Cotton seed meal**
  - a **N. C.** Regulating sale of cotton seed meal: labels to show percentage of ammonia; subject to inspection and tax under supervision of Board of Agriculture. 339, 3 Mr 03



## 1474 Fertilizers

- a **Cal.** Regulating sale of commercial fertilizers: labels to give address of manufacturer and chemical analysis; pulverized fertilizers; certificate of registration from secretary of board of regents of University of California; analysis of fertilizers by director of Agricultural Experiment Station; samples; publication of results; license fee.  
225, 20 Mr 03
- b **Ga.** Regulating registration, inspection, analysis and sale of fertilizer materials sold in bulk; fees; penalties; state commissioner of agriculture to prosecute; fines to be paid into general education fund.  
p.94, 14 Ag 03
- c **Ill.** Manufacturers or dealers in commercial fertilizers selling at \$5 [formerly \$10] a ton to have label showing ingredients affixed and to pay license fee of \$20. Amending R. S. '01 ch.5 §33, 35, 37.  
p.4, 15 My 03
- d **Kan.** Regulating commercial fertilizers: packages to bear label giving weight and chemical analysis; annual license fee \$20; annual inspection of fertilizers under direction of secretary of State Board of Agriculture; penalties.  
313, 13 Mr 03
- e **Me.** Amending '93 ch.256 §4, '97 ch.197 requiring fees for analysis of commercial fertilizers to be paid annually to *state treasurer* [formerly to director of Experiment Station].  
217, 28 Mr 03
- f **Mo.** Commercial fertilizers: labeling of packages of fertilizers selling for more than \$5 a ton so as to show trademark, name of manufacturer, importer or dealer and chemical composition; registration of firms at Agricultural Experiment Station; fees; analysis by director or deputy; penalties. Amending R. S. '99 ch.67 art.4.  
p.53, 14 Mr 03
- g **N. C.** Amending '01 ch.479 §6 relating to fertilizers: requiring brands or labels to give guaranteed analysis of ingredients; copy to be filed with commissioner of agriculture.  
755, 9 Mr 03
- h **N. D.** Commercial fertilizers: package label to show chemical composition; similar statement to be filed with director of Government Agricultural Experiment Station, who shall enforce law; license fees of \$25 for each brand of fertilizer sold; penalty.  
101, 19 Mr 03
- i **Tenn.** Revision of laws relating to sale, inspection and analysis of commercial fertilizers: state commissioner of agriculture to appoint 3 inspectors; powers and duties; director of Tennessee Experiment Station to cooperate with state commissioner in fixing relative values of fertilizers.  
417, 15 Ap 03
- j **Vt.** Generally amending S. '94 §4346-59 regulating sale of commercial fertilizers; license fee of \$100 to cover '5 [formerly all] brands produced by licensee; director of Agricultural Experiment Station to pay fees to treasurer; leather products, hair, wool waste, garbage tankage or nitrogenous material to be labeled; prosecution by *state's attorney of county* [formerly *state treasurer*].  
83, 11 D 02

**1484 Lime**

- a Del.** Manufacturers and dealers may submit lime to state chemist for analysis; fee. Amending R. C. p.298 ('85 ch.438). 326, 16 Ap 03
- b Me.** Amending R. S. '83 ch.39 §1-6, ch.116 §24 relating to appointment, powers and duties of town inspector of lime and lime casks; lime manufacturer to designate persons from whom inspector shall choose deputies; inspection of lime; branding of casks; manufacturer to pay fees of inspectors and deputies. 196, 28 Mr 03

**1488 Nails**

- a Me.** Repealing R. S. '83 ch.39 §14-22 regulating inspection of nails; office of state inspector of nails abolished. 42, 4 Mr 03

**1489 Naval stores**

- a Fla.** Prohibiting adulteration of naval stores, i. e. turpentine, resin etc.; creating state supervisor of naval stores; to supervise port inspectors; spirits of turpentine defined; analysis and sale of adulterated products; procedure; state's attorney of circuit to prosecute. 10, 5 Je 03
- b Ga.** Regulating inspection and sale of naval stores: i. e. turpentine, resin etc.; creating state supervisor of naval stores; spirits of turpentine to be plainly labeled; inspection; analysis and sale of adulterated products; procedure; solicitor general of judicial circuit to prosecute; penalties. p.77, 17 Ag 03

**1490 Oil. Paint. Lead**

- a Or.** Prohibiting manufacture and sale of adulterated linseed and flaxseed oil; penalties; state dairy and food commissioner to enforce; district attorney to prosecute. p.101, 17 F 03

**1491 Paper**

- a Me.** Repealing R. S. '83 ch.39 §23, 24 regulating packing and marking of paper. 186, 28 Mr 03

**1493 Petroleum products**

- a Ark.** Prohibiting sale of illuminating oils that will ignite at less than 150° [formerly 130°]; penalty. Amending S. '94 §3869. 152, 15 Ap 03
- b Ga.** Constituting state chemist referee in cases of dispute regarding illuminating oils; state inspector of oils to take samples and forward to former for analysis; penalties. p.95, 17 Ag 03
- c Id.** Regulating sale of mineral oils: minimum flash test 150° Fahrenheit; state dairy, pure food and oil commissioner to enforce law; penalties. p.95, 9 Mr 03
- d Mich.** Amending '99 ch.26 §2 authorizing state inspector of oils to appoint 26 [formerly 22] deputy inspectors. 197, 10 Je 03
- e Minn.** Benzin or gasolene to be sold in bright red, labeled cans; misdemeanor to sell kerosene in red cans; penalty. 42, 7 Mr 03
- f Mo.** Sample of illuminating oil tested by inspector to be taken from bottom [formerly top] of tank or reservoir. Amending R. S. '99 §7586. p.200, 5 Mr 03
- g N. M.** Repealing '01 ch.64 providing for inspection of coal oil; abolishing office of territorial oil inspector. 3, 13 F 03

1493-1500

## N. Y. STATE LIBRARY SUMMARY OF LEGISLATION 1903

- h N. D. Vessels in which gasolene is kept to be painted red; those in which it is sold to have red label; penalty. 104, 10 Mr 03
  - i N. D. Regulating inspection and sale of illuminating oils *and gasolene* by state and deputy oil inspectors. Amending '01 ch.128. 129, 12 Mr 03
  - j Okl. Revision of S. '03 §6614-29 regulating inspection and sale of illuminating oils: territorial oil inspector to appoint deputies at tank stations; monthly reports to inspector; annual report of inspector to governor. 17, 13 Mr 03
  - k Or. Prohibiting importation and sale of adulterated illuminating oil; label to show name, grade and minimum flash test; penalties; state dairy and food commissioner to enforce; justice's courts to have jurisdiction. p.103, 17 F 03
  - l Neb. Oil emitting combustible vapor at 112° [formerly 100°] Fahrenheit may not be sold for illuminating purposes. Amending C. S. '01 §3882. 66, 10 Ap 03
  - m S. D. Generally amending P. C. '03 §3124-40 regulating sale and inspection of illuminating oils; abolishing state oil inspector; governor to appoint 3 district oil inspectors; powers and duties; methods of inspection; flash test; fees; penalties; state's attorney to prosecute. 189, 10 Mr 03
  - n Tenn. Amending '99 ch.13 §3 as to compensation of oil inspectors in towns lying partly without state. 459, 15 Ap 03
  - p U. Misdemeanor to adulterate illuminating oil; minimum flash test 110° Fahrenheit. 118, 21 Mr 03
  - q Wash. Regulating labeling and inspecting of barrels, tanks etc. containing petroleum oils; state dairy and food commissioner constituted state dairy, food and *oil* commissioner; powers, duties and salary; penalty. Amending '99 ch.113 §6. 187, 21 Mr 03
  - r Wy. Providing for appointment of state chemist and assistant chemist; to analyze and test illuminating oils. 82, 21 F 03
  - s Wy. Fixing minimum flash test for illuminating oils at 120° Fahrenheit as shown by Tagliabue cup; penalty. 109, 27 F 03
- 1496 **Seeds**
- a N. J. Prohibiting sale of red clover mixed with yellow trefoil seed, unless package is labeled; penalty. 180, 8 Ap 03
  - b Vt. Requesting Vermont Agricultural Experiment Station to recommend to next General Assembly means of attaining purer supply of agricultural seeds. 409, 20 N 02
- 1497 **Thread**
- a N. Y. Thread may not be sold without label showing weight or length; penalty. Adding §42-43 to domestic commerce law '96 ch.376. 619, 15 My 03

1500

## Marks, labels etc.

- a Cal. Amending P. C. §1536 as to disposition of goods taken on search warrant issued for violation of trademark law. 73, 3 Mr 03

## ADMINISTRATIVE LAW COMMERCE AND INDUSTRY

1506

- b **Mo.** Amending R. S. '99 §10365 relating to trademarks: registration of facsimile. p.275, 24 Mr 03
- c **N. C.** Providing for filing of labels, trademarks etc. with secretary of state; penalties for illegal use of registered trademark; Superior Court to issue injunctions. 271, 9 Mr 03
- d **Pa.** Trademarks, symbols and private stamps: secretary of commonwealth to issue as many certificates of registration as are required; certificate prima facie evidence of adoption of mark by association; penalties. Amending '01 §286. 96, 3 Ap 03
- e **Va.** Counterfeiting or unauthorized use of registered trademark prohibited; penalties; regulations for registering; damage suits. 187, 30 Ap 03

1501

**Bottles. Barrels. Cans**

- a **Cal.** Defining "trademark" so as to include names or marks branded, stamped, engraved or blown on bottles, boxes, cans, casks etc. Amending P. C. §3196. 72, 3 Mr 03
- b **Cal.** Amending '91 ch.154 for the protection of owners of bottles, boxes etc.: accepting deposit on bottle, box or keg not to be deemed sale; sale of right to use marks. 75, 5 Mr 03
- c **Ct.** Amending G. S. '02 §4913-17 regulating use of trademarks and devices on bottles, *cans*, *jars*, siphons and boxes; penalty for illegal use. 115, 21 My 03
- d **Ind.** Protecting manufacturers of goods sold in marked bottles, cans or kegs: owner may register mark with clerk of Circuit Court; penalty for using, selling or destroying such packages unless sold by owner. 158, 9 Mr 03
- e **N. H.** Protecting owners of bottles, cans, or other vessels; penalty for unauthorized use of registered bottles; search warrant. 120, 2 Ap 03
- f **Pa.** Regulating use of cans, bottles, jars, boxes and tubs for milk, butter and ice cream: registration of marks; penalty for use by person other than owner. Amending '65 ch.42. 73, 27 Mr 03
- g **R. I.** Amending '99 ch.627 §2 relating to unlawful use of cans, bottles etc.: certain designated officers may seize and detain till warrant secured against illegal holder. 1115, 17 Ap 03
- h **S. D.** Unlawful to use or sell registered bottles, casks etc. used in sale of beverages without owner's consent; penalties. 83, 11 Mr 03
- i **Vt.** Protecting milk dealers against unlawful use of cans etc.; registrations of name or mark with town clerk; penalty. 82, 11 N 02
- j **Wis.** Amending '01 ch.360 §4 relative to penalties for illegal use of registered receptacle. 196, 11 My 03

1508

**Warehouses. Markets**

1510

**Warehouses**

- a **N. D.** Public warehouses: persons desiring to erect warehouses or elevators at railway stations may secure easement by permission

1510-26

## N. Y. STATE LIBRARY SUMMARY OF LEGISLATION 1903

of railroad or proceedings in District Court; procedure; such warehouses to be deemed public and subject to legislative control; to be open from Sep. 15 to Jan. 15; penalty. Repealing R. C. §1796-97, 1799.

142, 2 Mr 03

- b **Wis.** Regulating operation of warehouses for storage of grain and flax and issue of warehouse receipts: records to be open to inspection of all depositors and those holding receipts issued thereon; penalties.

412, 21 My 03

## 1513 Warehouse receipts

- a **Fla.** Warehousemen and other bailees to give receipt; substituted property receipts to be negotiable by indorsement. 139, 4, Je 03

- b **Minn.** Packing house companies owning buildings in which commodities are stored may issue warehouse certificates on such commodities; regulations; penalty.

403, 21 Ap 03

- c **Wis.** Persons or corporations dealing in *flour, bran, middlings, mixed feed*, grains, seed and other farm products may issue elevator or warehouse certificates. Amending '99 ch.251 §1, '01 ch.107.

73, 6 Ap 03

1515

## Grain warehouses and inspection

- a **Neb.** Railroads to furnish equal facilities for grain elevators; penalty. Amending C. S. '01 §4027a, 4027d.

68, 3 Ap 03

- b **N. Y.** Amending '96 ch.376 §32 domestic commerce law as to fee for use of steam shovel in connection with grain elevator.

366, 6 My 03

- c **N. D.** Governor of Wisconsin on recommendation of governor of North Dakota, to appoint North Dakota member of Superior Grain and Warehouse Commission.

191, 10 Mr 03

- d **Or.** Regulating business of storing grain; bailees to procure license from County Court; bonds and sureties; penalty.

p.253, 24 F 03

## 1517 Inspection

- a **Kan.** Amending G. S. '01 ch.45b relating to inspection of grain: appointment, duties, fees and salaries of *supervising* and assistant inspectors and weighmasters; appeals; licenses; duties of warehousemen.

325, 12 Mr 03

- b **Kan.** Amending '91 ch.148 §35, '97 ch.138 §7 relative to inspection of grain: State Grain Inspection Commission created; to establish "Kansas grades" of grain [formerly state inspector of grain in counsel with delegates from local boards of trade established grades].

326, 11 Mr 03

1526

## Stock yards

- a **Kan.** Defining public stock yards, regulating charges and requiring reports, 240, 3 Mr 97. *Unconstitutional*. Applies to one company only; denies equal protection of laws. *Cotting v. Kansas City Stock Yards Co.*, 183 U. S. 79.

- b **Kan.** Regulating stock yards: operator to file annually with secretary of state itemized statement of stock received; limiting charge for care of stock and profits on sale of feed; penalty.

487, 11 Mr 03

## Regulation and licensing of trades and occupations

### Architects

- 4 a **Cal.** Certificated architect to pay annual license fee of \$5. Adding \$7 to '01 ch.212. 376, 26 Mr 03
- b **N. J.** Amending '02 ch.29 regulating practice of architecture: annual renewal fee \$5; disposition of surplus. 40, 13 Mr 03

### Accountants

- 6 a **Ill.** Regulating practice of accounting: creating Board of Examiners of Public Accountants; qualifications to practise; to license on State University certificate and on examination; exemptions; fees; penalties. p.281, 15 My 03
- b **Wash.** Creating Board of Accountancy to consist of 5 members appointed by governor on nomination by Washington Association of Public Accountants; to issue certificates to practise on examination; fees; annual report to governor. 72, 12 Mr 03

### Barbers

- o a **Cal.** Repealing '01 ch.25 establishing board of barbers examiners and regulating practise of barbering. 151, 16 Mr 03
- b **Ct.** State Board of Examiners of Barbers authorized to inspect all shops as to sanitary condition and regulate sterilizing of barbers' tools; annual renewal; penalty. Amending G. S. '02 §4671. 130, 3 Je 03
- c **Kan.** Regulating practice of barbering: creating Board of Examiners of Barbers; to license to practise on examination; qualifications for admission; fees; penalties; biennial report to governor. 70, 27 F 03
- d **N. Y.** Regulating inspection of barber shops and practice of barbering; creating Board of Barber Examiners; to license to practise on examination; practising barbers exempt on registration; fees; penalties. 632, 15 My 03
- e **N. D.** Providing for registration of barbers' apprentices; prohibiting Sunday barbering. Amending '01 ch.30 §9. 38, 10 Mr 03
- f **Or.** Amending '99 p.237 §1-14 relating to Board of Barbers Examiners: term 4 years; apprentices to register; annual renewal of registration; fees; *semiannual* [formerly annual] report to governor; justice's courts to have concurrent jurisdiction. p.27, 12 F 03
- g **R. I.** Creating Board of Examiners of Barbers, to consist of 3 members appointed by governor with consent of Senate for 3 years; to license to practise on examination; 2 years' previous practise required for admission; exemptions; fees; renewal; penalty; adoption of act optional with towns. 1100, 17 Ap 03
- h **U.** Regulating practice of barbering in cities of 5000: creating Board of Examiners; to license on examination applicants with 1 year's practice or study in approved school; exemption; registration of apprentices; board to regulate sanitary condition of shops; annual report to governor. 137, 24 Mr 03

140-60

## N. Y. STATE LIBRARY SUMMARY OF LEGISLATION 1903

- i **Wis.** Regulating practice of barbering; creating Board of Examiners of Barbers; to inspect barber shops and to license on examination applicants having had 3 years' experience in trade; exemption; fees; penalties. 191, 11 My 03
- 1543 **Coal and coke dealers**
  - a **Mass.** Coal and coke dealers to be licensed by secretary of commonwealth on terms prescribed by cities and towns; license may be revoked for use of false weights, charging extortionate prices or unlawfully combining or discriminating. 484, 26 Je 03
- 1544 **Commission merchants**
  - a **Fla.** Fixing penalties for securing consignment of produce by false representation of market. 36, 30 My 03
  - b **N. D.** Providing for licensing of commission merchants dealing in grain or dairy or creamery products. Amending R. C. '99 §1738-39, 1741, 1743a. 56, 12 Mr 03
- 1546 **Cotton**
  - a **Tenn.** Regulating sale of seed cotton; ginner to keep record; person, not bona fide owner, must have written permission to sell; indictable offense; penalties. 525, 2 Ap 03
- 1548 **Dentistry**  
*See 943*
- 1552 **Elevator men**  
*See 1101*
- 1554 **Embalming and undertaking**  
*See 1051*
- 1556 **Engineers**  
*See 1124*
- 1558 **Farm products**
  - a **Pa.** Farmers may sell products in cities and boroughs without license. 190, 22 Ap 03
- 1559 **Firearms**
  - a **N. J.** Dealers to keep record of sales of firearms; penalty. Amending '98 ch.235 §95. 169, 8 Ap 03
- 1560 **Hawkers and peddlers**
  - a **Ari.** Peddlers of intoxicating liquors or merchandise, traveling with wagon, to pay to county license fee of \$400 in advance [formerly \$100 a quarter]. Amending R. S. '01 §2860. 87, 19 Mr 03
  - b **Kan.** Licensing peddlers. 271, 2 Mr 01. *Unconstitutional* as to tax imposed on nonresidents and not on residents. Citizens of each state entitled to privileges of citizens in the several states. In re Jarvis, 71 P. 576.

## ADMINISTRATIVE LAW COMMERCE AND INDUSTRY

1560-f

- c Me.** Licensing hawkers and peddlers; those paying \$25 taxes on stock exempt. 277, 22 Mr 01. *Unconstitutional.* Denies equal protection of law. *State v. Mitchell*, 53 A.887.
- d Mass.** Minor amendment to R. L. ch.65 §21 relative to granting peddler's licenses to soldiers and sailors. 432, 16 Je 03
- e Minn.** Soldiers and sailors of Civil War may peddle without license. 241, 17 Ap 03
- f N. C.** Disabled Confederate veterans with property valuation under \$500 allowed to peddle without license. 530, 6 Mr 03
- g N. D.** Peddlers traveling on foot to pay annual license fee of \$5; if using single horse, \$25; 2 horses, \$50; 3 horses or otherwise propelled, \$75; regulations. Repealing R. C. '99 §7249. 165, 2 Mr 03
- h Or.** Amending Ann. C. & S. §3876-77 increasing annual license fees of peddlers and hawkers; penalties. p.77, 16 F 03
- i R. I.** Free licenses for hawking or peddling to be issued to soldiers or sailors *who have served the United States honorably in war.* Amending G. L. '96 ch.162 §15. 1060, 12 D 02
- j R. I.** Licenses for peddling and hawking to be issued and revoked by city or town boards of police commissioners where established, otherwise by city or town councils; maximum fees; exceptions. Amending '01 ch.923. 1065, 12 D 02
- k S. D.** Peddlers to obtain annual license from county auditor; definition of peddler; fees; exemptions; penalty. 190, '03
- l Vt.** Licensing peddlers; veterans of Civil War exempt. S. §4732-33. *Unconstitutional.* Denies equal protection of law. *State v. Shedroi*, 54 A. 1081.
- m Vt.** Amending S. '94 §4731, '00 ch.94 extending definition of peddler to include selling of *groceries or wearing apparel.* 119, 19 D 02
- n Va.** Exempting merchants with regular place of business outside city or town and selling goods to merchants of city or town from tax on peddlers. Amending '03 ch.148 §50. 271, 13 My 03
- p Va.** Exempting peddlers of eggs, poultry, fish or oysters, or of meat sold in the country, from license tax. Amending '03 ch.148 §51. 313, 20 My 03
- q Wash.** Unlawful to peddle merchandise, excepting farm produce, without license; license fee \$10 a day; penalty. 34, 5 Mr 03
- r Wash.** Soldier of Civil War may procure license to peddle without paying fee. 69, 12 Mr 03

1563

**Hotels**

- a N. C.** Regulating duties and liabilities of innkeepers. 563, 9 Mr 03

1566

**Ice**

- a Wis.** Repealing '01 ch.470 regulating cutting and shipment of ice from meandered lakes. 11, 12 Mr 03

1568

**Junk and secondhand dealers**

- a Ct.** Junk dealers to keep goods 5 days. Amending G. S. '02 §4653. 43, 23 Ap 03



- b Me. Cities may regulate dealing in secondhand articles. Amending R. S. '83 ch. 3 §59 ¶12. 137, 24 Mr 03
- c Mo. Forbidding pawnbroker, junk dealer, dealer in secondhand goods or merchant to buy anything excepting agricultural produce from minor without written consent of parent or guardian; penalty. p.166, 25 Mr 03
- d Mon. Misdemeanor for junk dealer to fail to register description of property pledged or sold, to receive articles from person under 21 or to refuse to show register or articles to peace-officer. Amending Pen. C. §620. 54, 3 Mr 03
- e N. J. Misdemeanor to buy secondhand goods from minors under 16. Supplementing '98 ch.235. 255, 14 Ap 03
- f N. Y. Misdemeanor for collector of junk to purchase goods of child under 16. Adding subdiv.6 to P. C. §290. 309, 5 My 03
- g N. Y. Collector of junk buying wires, cables or metal used by railroad, telegraph, gas or electric light company without diligent inquiry whether person selling has legal right to do so, to be guilty of criminally receiving property; penalty. Amending Pen. C. §550. 326, 6 My 03
- h R. I. Amending '01 ch.863, ch.871 relative to dealers in junk, old metal and secondhand articles; annual licenses to be issued by city or town board of police commissioners where established, otherwise by town or city counsel; maximum fees; penalties. 1058, 12 D 02
- i R. I. Amending '01 ch.1058 §2 relative to issue of licenses to junk dealers. 1097, 16 Ap 03
- j Tenn. Regulating business of junk dealers: scrap metal may not be bought or received from minor under 16; purchases to be kept separate for 10 days; no dealings with unidentified persons; penalties. 182, 27 Mr 03

1570

**Law**

See 591

1572

**Medicine**

See 944

1575

**Nurses**

- a N. J. Regulating practice of nursing: license to be issued by county clerk to graduate nurses showing diploma of state hospital training school requiring 2 years' practical and theoretic training; registration fee, 50c; penalty; prosecutor of pleas of county to prosecute. 109, 7 Ap 03
- b N. Y. Regulating practice of nursing: creating Board of Examiners of Nurses; Regents of State University with board to regulate examinations, and to issue certificates to practise; graduates of hospital training school requiring 2 years' instruction exempt; renewal of registration every 3 years; fees; penalties. Adding art.12 to '93 ch.661. 293, 27 Ap 03
- c N. C. Regulating practice of nursing: creating Board of Examiners of Trained Nurses; to license to practise on approval of

diploma or on examination after Jan. 1, 1904; nurses of 2 years' practice exempt; proviso; fees; penalties. 359, 3 Mr 03

- d **Va.** Regulating professional nursing of sick: creating Board of Examiners; to license to practise on examination graduates of hospital training schools requiring 2 years' instruction; registered nurses of other states and graduates prior to January 1904 exempt; fees; penalties. 191, 1 My 03

576

**Pawnbroking***See 1727*

578

**Pharmacy***See 949*

580

**Plumbers**

- a **Kan.** In city over 7000 mayor with approval of council to appoint master plumber and journeyman plumber to serve with chairman of board of health as board of examiners in plumbing; examinations; fees; plumbing work on sewers. 377, 9 Mr 03
- b **Mo.** Mayor in city over 50,000 to appoint board of plumbing examiners, on acceptance of act by city; to license on examination; exemptions; revocation of certificates; fees; city to regulate construction and provide for inspection of pipes and drains. p.82; 27 Mr 03
- c **Neb.** Amending C. S. '01 §1501 providing for plumbers examining board in city over 40,000 [formerly 50,000]; term. 24, 8 Ap 03
- d **Or.** Mayor in city of 4000 to appoint board of plumbing examiners; to license on examination plumbers and proprietors of plumbing shops; to regulate plumbing and sewerage in city; fees; penalties. p.173, 24 F 03

586 **Transient merchants. Sale of bankrupt stocks. Itinerant vendors**

- a **Ct.** Action against itinerant vendor may be continued not longer than one year; bond of accused. Amending G. S. '02 §4662-68. 185, 18 Je 03
- b **N. M.** Itinerant dealers in maps, books, newspapers, fuel, fruits and domestic machinery not to be deemed peddlers. Amending '01 ch.74 §1. 16, 5 Mr 03

588

**Veterinary practice**

- a **Cal.** Amending '93 ch.203 §1, 4 relating to practice of veterinary medicine: Veterinary Medical Board to license to practise on approval of diploma or examination; repealing provision restricting application of act to cities of 2000. 224, 20 Mr 03
- a2 **Col.** Regulating practice of veterinary surgery; Examining Board of Veterinary Surgeons created; to license graduates of college with 5 instructors in faculty requiring 2 years' study of 6 months each; fees; penalties. 171, 11 Ap 03
- b **Del.** Regulating veterinary medical practice; creating Board of Examiners; to license to practise on approval of diploma or on ex-

- amination; licentiates of other states and practitioners of 5 years' practise to be exempt; fees; penalties. 364, 17 Mr 03
- c Ill. Amending '99 p.277 relative to requirements for practising veterinary medicine and surgery; examination and license fees; penalty; exemption from jury service; state's attorney of county to prosecute. p.6, 16 My 03
- d Ind. Amending '01 ch.189 §7 relating to issue of certificates by clerk of Circuit Court for practise of veterinary medicine. 239, 11 Mr 03
- e Mass. Regulating practice of veterinary medicine: creating Board of Registration in Veterinary Medicine; to license on diploma or on examination; practitioners of 3 years' practice exempt; fees; penalties. 249, 16 Ap 03
- f Minn. Amending S. '94 §7945, 7947, 7949 relative to Board of Veterinary Medical Examiners: to license graduates of colleges with course of study covering 3 sessions of 6 months each; practitioners with 3 years' practice prior to 1893 exempt from examination; fees; prosecution. 149, 7 Ap 03
- g N. C. Regulating practice of veterinary medicine: creating Board of Veterinary Medical Examiners; to license to practise on examination; practitioners on registration prior to Jan. 1, 1905, to be exempt; fees; penalties. 503, 6 Mr 03
- h Or. Creating State Veterinary Medical Board of 5 members to be appointed by governor for 4 years; to license to practise on diploma or examination; powers and duties; fees; renewal of registration every 4 years; penalties. p.154, 24 F 03

## 1590 Miscellaneous trade regulations

### 1592 Advertisements

- a Pa. Prohibiting posting of advertisements or notices on property of charitable, educational or penal institutions or on private property without written consent; penalty \$5 to \$20. 24, 10 Mr 03

### 1593 Discrimination

- a Ark. Discrimination in prices of manufactured products, coal oil or dressed beef prohibited; penalty. 183, 29 Ap 03

### 1594 Legal holidays. Public holidays

#### 1596 General and miscellaneous

- a Col. Legal holidays, for payment of commercial paper and holding of courts to be considered as Sunday; process may be served on holidays and on Sunday. Amending Ann. S. '91 §2127 subdiv.6. 113, 8 Ap 03
- b Ind. Minor amendment to '91 ch.173 §1 relating to legal holidays: commercial paper. 117, 9 Mr 03
- c Nev. Courts to be closed on Lincoln's birthday and Labor day. Amending C. L. '00 §2550. 63, 12 Mr 03

## ADMINISTRATIVE LAW COMMERCE AND INDUSTRY

1596-16

- d **Vt.** Amending S. '94 §2314, '98 ch.51 relating to legal holidays: adding days set apart for *prayer or other special observance* by governor or president; when day named falls on Sunday, *following Monday* [formerly preceding Saturday] to be legal holiday.

48, 15 N 02

1598 **Arbor and Bird day***See also* 189 (forestry); 2290 (schools)

- a **Ill.** *Arbor and Bird day* to be proclaimed annually by governor. p.306, 16 My 03
- b **Ind.** Establishing Arbor day, to be fixed annually by proclamation of governor. 116, 9 Mr 03

1604 **Election day**

- a **Del.** Election day, 1st Tuesday after 1st Monday in November, a legal holiday. 391, 24 Mr 03
- b **Mich.** National, state, county and city elections to be legal holidays. Amending C. L. '97 §4880. 254, 18 Je 03

1612 **Labor day**

- a **Ark.** 1st Monday in September, Labor day, to be public holiday. 4, 29 Ja 03

1618 **Lincoln's birthday**

- a **Col.** Lincoln's birthday to be legal holiday. Amending Ann. S. '91 §2127. 113, 8 Ap 03

1624 **Saturdays**

- a **Va.** Saturday to be legal holiday as regards maturity of commercial paper. Amending C. §2844-47, '92 ch.166. 19, 20, 28 Jl 02
- b **Va.** Saturday to be half holiday for transaction of business. Amending C. §2847, '92 ch.166, '02 ch.503. 28, 29 Jl 02

1625 **Shrove Tuesday**

- a **Fla.** Shrove Tuesday (Mardi Gras) to be legal holiday in all towns and cities having carnival associations. 170, '03

## 1628

**Trading stamps**

- a **Mass.** Prohibiting use of trading stamps, checks or coupons to be exchanged for articles not distinctly bargained for. 386, 26 My 03
- b **Minn.** Person issuing trading stamps, coupons, tickets or similar devices to redeem them; penalty for fraud. 389, 21 Ap 03
- c **Va.** Prohibiting use of trading stamps. 406, 19 F 98. *Unconstitutional.* Deprives of personal liberty. *Young v. Commonwealth*, 45 S. E. 327.

## 1630

**Encouragement of industries**

## 1632

**Bonus. Exemptions. Bounty***See also* Exemptions from taxation, 3101633 **General**

- a **Ari.** Exempting from taxation for 9 years water storage plant used for generating electric power; regulations. 27, 17 Mr 03

- b **Fla.** Submitting amendment to Constitution art.9 §10: Legislature may authorize municipal corporations to exempt manufacturing enterprises from taxation, not exceeding 15 years. *Vote November 1904.*  
p.638, '03
- c **Tenn.** Submitting amendment to Constitution art.11 §18: counties or cities may exempt new manufacturers from taxation for 10 years on two thirds vote of County Court or city council respectively. *Vote November 1904.*  
532, 2 Ap 03
- 1635 **Beet sugar and sugar beet**
- a **Ari.** Beet sugar plant valued at \$300,000 to be exempt from taxation for 9 [formerly 12] years. Amending R. S. '01 §4062-67.  
32, 18 Mr 03
- b **Id.** Bounty of 1c a pound in 1903 and ½c in 1904 on sugar manufactured from beets grown in Idaho.  
p.186, 11 Mr 03
- c **Me.** Abolishing bounty on beet sugar. Repealing R. S. '83-ch.38 §59.  
50, 4 Mr 03
- 1653 **Silk culture**
- a **Me.** Abolishing bounty on cocoons and silk. Repealing R. S. '83 ch.38 §58-59.  
50, 4 Mr 03
- 1661 **Expositions**  
*See also Agricultural fairs, 1834*
- 1662 **General**
- a **Id.** Governor and 5 appointees to constitute Louisiana Purchase Exposition and Lewis and Clark Exposition Commission to have charge of exhibits; to appoint executive commissioner; commissioner to report to governor; \$35,000.  
p.279, 4 Mr 03
- b **Mo.** County Court may make appropriation for exhibit at world's fair or state fair.  
p.196, 21 Mr 03
- c **Mon.** Designating 15 persons as commissioners for Louisiana Purchase Exposition, to erect building and prepare exhibit; at close of exposition to transfer exhibit to Lewis and Clark Exposition at Portland; final report to governor by January 1905.  
ex. sess. 1, 27 My 03
- d **Nev.** County commissioners may exhibit county products at expositions or maintain permanent exhibits within or without the state.  
34, 6 Mr 03
- e **N. D.** Creating World's Fair Commission of 5 members; to provide exhibit for Louisiana Purchase Exposition at St Louis in 1904 and Lewis and Clark Exposition at Portland in 1905; transfer of exhibit; commissioners to hold office till close of exposition of 1905; \$50,000.  
34, 17 Mr 03
- 1667 **Lewis and Clark Exposition**
- a **Cal.** Governor constituted commissioner to have charge of exhibit at Lewis and Clark Exposition; \$20,000.  
187, 18 Mr 03
- b **Or.** Lewis and Clark Centennial Exposition Commission, to consist of 11 members to be appointed by governor; to hold exhibit in Portland, May 1 to Nov. 1, 1905; organization, powers and duties; \$500,000.  
p.6, 30 Ja 03

- Or. Governor, on petition of requisite number of voters, to call special election within 90 days to submit referendum on Lewis and Clark Centennial Exposition. p.74, 16 F 03
- d Or. Board of regents of State Agricultural College to cooperate with Lewis and Clark Exposition Commission to prepare crop exhibit for exposition. p.351, 18 F 03
- e U. Lewis and Clark Centennial Exposition Commission, to consist of governor and 4 members appointed by him with consent of Senate; duties; quarterly report to state auditor and final report to governor; transfer of exhibits from St Louis; \$10,000. 96, 12 Mr 03
- f Wash. Governor to appoint Lewis and Clark Exposition Commission of 7 members; salary of executive commissioner \$150 a month; suitable exhibits to be transferred from Louisiana Purchase Exposition; final disposition of exhibit. 188, 21 Mr 03
- g **Louisiana Purchase Centennial**
- a Ari. Governor may appoint 2 persons from each county honorary members of Board of Managers of St Louis International Exposition of 1903. 36, 18 Mr 03
  - b Ark. Amending '01 ch.139 relating to Louisiana Purchase Exposition; board to consist of 4 [formerly 3] directors; \$50,000 additional appropriation. 138, 13 Ap 03
  - c Cal. Governor to appoint Louisiana Purchase Exposition Commission, consisting of 2 members; monthly report to governor; report on exhibits suitable for Lewis and Clark Exposition; \$130,000. 315, 25 Mr 03
  - d Col. \$50,000 additional appropriation for exhibit at Louisiana Purchase Exposition; board to report to governor by Jan. 1, 1905. Amending '01 ch.95. 32, 11 Ap 03
  - e Ind. Governor to appoint Louisiana Purchase Exposition Commission of 15, to prepare exhibit; final report to governor; appropriation, \$150,000. 201, 9 Mr 03
  - f Kan. Amending '01 ch.35 relating to Louisiana Purchase Exposition: governor may remove commissioners for cause; salaries; \$100,000 additional appropriation. 33, 13 Mr 03
  - g Me. Providing for representation of state at Louisiana Purchase Exposition; \$50,000. (special laws) 423, 1 S 03
  - h Mass. Providing for appointment of Board of Managers of Louisiana Purchase Exposition, to consist of 5 members appointed by governor with consent of Council; to prepare exhibit; \$100,000. 1.42, 9 Ap 03
  - i Mich. Governor and 5 appointees to constitute Board of Managers of Louisiana Purchase Exposition; to erect building and prepare exhibit; reports to governor; \$50,000. 196, 10 Je 03
  - j Minn. \$50,000 additional appropriation for exhibit at Louisiana Purchase Exposition. Amending '02 ch.87. 112, 1 Ap 03
  - k Mo. Louisiana Purchase Exposition: governor to appoint bipartisan Commission of 9 members to erect buildings and have charge of exhibits; \$990,000. p.47, 24 Mr 03

# Expositions

1633-67

CLERK OF LEGISLATION 1903

1. to appoint board of 5 commissioners for  
exhibition, to prepare exhibit and erect building,  
report to governor; \$35,000. 153, 8 Ap 03
2. to appoint 3 commissioners to have charge of  
Purchase Exposition; \$20,000. 75, 13 Mr 03
3. to form of Louisiana Purchase Exposition  
[formerly Jan. 1, 1904]; may appoint sub-  
committees to prepare exhibits; \$10,000 addi-  
tional; amending '01 ch.100. 118, 10 Mr 03
4. to appropriate \$50,000 for dedication ceremonies at  
exhibition. 180, 22 Ap 03
5. to appoint person appointed by governor to have charge of  
Purchase Exposition of 1904 [formerly 1903]; may dispose  
of property therefor; salary of secretary \$4000 [formerly  
\$2000]; not liable for debts created; additional appropria-  
tion; amending '02 ch.42 §1-3. 546, 11 My 03
6. to appoint Louisiana Purchase Exposition Commission to be ap-  
pointed, to consist of 10 members from several congress-  
men; \$20,000. p.1176, 1170, 9 Mr 03
7. to appropriate additional appropriation for Louisiana Purchase Ex-  
position; \$201. 2 art. 2, 14 Mr 03
8. to appoint Purchase Exposition Commission to consist of  
10 members, 5 selected state officials and 5 persons appointed by  
governor; replacing commission created by '01 p.3791  
p.542, 4 Feb 03
9. to appoint Purchase Exposition Commission to consist of  
10 members, 5 by speaker of House and 3 by governor; to erect  
exhibit; report to Legislature; \$35,000. 1103, 17 Ap 03
10. to appoint 3 commissioners for Louisiana Pur-  
chase Exposition; prepare exhibit; report to governor; \$35,000. 43, 11 Mr 03
11. to appoint 10 men and 3 women as commis-  
sioners for Louisiana Purchase Exposition to prepare exhibit; ap-  
point secretary of commission and director of exhibits;  
of 1905; \$40,000 for exhibit. 250, 15 Ap; 251, 10 Ap 03
12. to appoint Purchase Exposition Commission to consist of  
10 members appointed by governor with consent of  
both houses; to report to auditor and final report to gov-  
ernor. 105, 12 Mr 03
13. to appoint committee on Louisiana Purchase Exposition of 1904  
to consist of 5 senators and 5 representatives to be appointed by  
each house; to report to respective house  
of representatives at exposition. 407, 18 N 0.
14. to appoint Commission to Louisiana Purchase Exposition to  
consist of 10 members, 5 by governor and 5 by legislature;  
to prepare exhibit; \$50,000. 41, 20 D 0.

## ADMINISTRATIVE LAW BANKING

1669-75

- Wash.** Governor to appoint Louisiana Purchase Exposition Commission of 9 members; commission to make final report to governor; \$75,000. 182, 10 Mr 03
  - Wis.** \$75,000 additional appropriation for St Louis World's Fair; State Board of Managers increased to 7 [formerly 5] members, 2 of them women. Amending '01 ch.297. 318, 19 My 03
  - Wy.** Louisiana Purchase Exposition Commission of 7 members to be appointed by governor; salary of commissioner in chief, \$2000; \$25,000. 96, 23 F 03
- Resources and attractions. Immigration**
- Del.** Board of Agriculture with governor constituted Board of Immigration Commissioners; term 2 years; powers and duties; annual report to governor. 333, 19 Mr 03
  - Or.** County courts may appropriate \$1000 annually to advertise resources of county and make exhibits at fairs. p.78, 11 F 03
  - Va.** Prescribing powers and duties of Board of Agriculture and Immigration as provided in Constitution of 1902; fixing date of election of state commissioner of agriculture and immigration; powers and duties. 295, 20 My 03

## Banking

See also Corporations, 500; Taxation of banking institutions, 84;

## General

Including all provisions relating to banks of deposit or relating to two or more of the following classes

## General and miscellaneous

- Cal.** Reorganizing Board of Bank Commissioners; membership; appointment; powers and duties; annual inspection of banking institutions; latter to report annually or on demand to board; license tax; expenses of commission to be met by banks, in proportion to deposits; penalties; board to report annually to governor; [replacing board created in 1878]. Repealing '78 ch.481, '87 ch.80, '95 ch.167. 65, 2 Mr; 266, 24 Mr 03
  - Cal.** Loan of savings banks on real estate not to exceed 60% of market value; unlawful to invest capital or moneys of loan society or savings bank in mining shares; unincorporated banking companies to do business under true names of all persons engaged therein; creation of surplus funds of banks; advertisements of subscribed capital stock of bank to be accompanied by statement of paid in capital. Adding §581-83a to C. C. 256, 21 Mr 03
  - Del.** Misdemeanor for any unauthorized person or corporation to solicit deposits of money; name on advertisement prima facie evidence. 467, 24 Mr 03
  - Kan.** Amending G. S. '01 §415 relating to management of state banks: annual meeting; vice president; official oath. 69, 7 Mr 03
  - Me.** Repealing R. S. '83 ch.47 §1-47, 49-82 relating to banks of discount. 166, 26 Mr 03



- f **Neb.** Amending C. S. '01 §618-19, 628 relating to banks: capital required; fees for examination; compensation of secretary and clerk of State Banking Board and of bank examiners. 8, 8 Ap 03
- g **N. M.** Mercantile companies having \$30,000 capital may do banking business in cities under 1500; regulations. 109, 19 Mr 03
- h **N. C.** Regulating incorporation of banks: capital; articles of association; general corporation law '01 ch.2 §29, 96 to apply; examination by Corporation Commission; regulations; tax. 275, 9 Mr 03
- i **Okl.** Amending S. '03 §243, 246-49, 295, 1119 relating to banks: capital stock; certificate from bank commissioner; depositories; organization of trust companies. 4, 16 Mr 03
- j **Pa.** Certain safety deposit, trust and savings companies may receive deposits, invest funds, and loan money on real and personal securities. Amending '95 ch.286. 164, 21 Ap 03
- k **S. D.** Providing for uniform organization and control of banking corporations by state public examiner who is constituted state superintendent of banks; incorporation, extension, and dissolution of corporations; semiannual inspection and report to governor; quarterly reports by banks to state public examiner. Amending P. C. '03 §111, 114-15. 79, 6 Mr 03
- l **Tenn.** Repealing C. §3225, 3233 prohibiting banking corporations to sell stock before capital stock is paid up; repealing requirement that one third of directors be nonstockholders. 329, 7 Ap 03
- m **Tenn.** Bank with paid up capital of \$100,000 may act as fiduciary without bond in counties of 60,000 to 90,000; powers and responsibilities. 377, 15 Ap 03
- n **Tex.** Submitting amendment to Constitution art.16 §16: Legislature may authorize incorporation of banking corporations; shareholders to be liable to amount equal to par value of shares in addition to shares; capital stock to be paid in in full; corporations may do business in only one place; foreign corporations, excepting national banks, may not do business in state. *Vote November 1904.* p.249, 1 Ap 03
- p **Wis.** Revision of banking laws. 28p. 234, 13 My 03
- q **Wy.** Amending R. S. '99 §3086, 3107, 3110-12, 3128-30, 3132 and repealing §3116, 3137 relating to banks, saving associations and loan and trust companies: capital stock of savings bank \$25,000; 3% [formerly 4%] rate on deposits; investment in designated bonds to 80% [formerly 50%] of deposits; loan and trust companies to maintain reserve fund of 25% of liabilities to depositors; power to prosecute and defend suits. 50, 20 F 03
- 1680 **Inspection. Reports. Departments**
- a **Del.** Insurance commissioner to inspect and supervise state and savings banks, trust and safe deposit companies; additional salary, \$500; inspection fees; semiannual reports to commissioner; attorney general to institute proceedings against unsound corporations; procedure. 330, 18 Mr 03

## ADMINISTRATIVE LAW BANKING

1680-

- b **Ga.** State bank examiner may employ stenographer at \$100 a month. p.699, 12 Ag 03
- c **Mich.** State commissioner of banking to examine banks in reserve cities 2 or more times a year. Amending C. L. '97 §6128. 107, 14 My 03
- d **Mo.** Amending R. S. '99 §1285 relating to form of statements of resources and liabilities of banks. p.115, 24 Mr 03
- e **Mo.** Amending R. S. '99 §1299 relating to statement required of private bankers. p.117, 24 Mr 03
- f **Mo.** Amending R. S. '99 §1304 relating to fees for examination of banks. p.118, 24 Mr 03
- g **Neb.** Providing for publication of annual report of secretary of State Banking Board. 9, 8 Ap 03
- h **N. H.** Salary of clerk to Board of Bank Commissioners, \$1000 [formerly \$750]. Amending '93 ch.3 §1. 79, 19 Mr 03
- i **N. H.** Salary of bank commissioners \$2500 [formerly \$2000]. Amending P. S. ch.162 §4. 80, 19 Mr 03
- j **N. J.** Salary of commissioner of banking and insurance \$6000 [formerly \$4000]. Amending '91 ch.6 §3. 34, 13 Mr 03
- k **Wis.** Conferring on state commissioner of banking powers and duties of bank examiner. 429, 22 My 03

1681 **Amendment, extension of charter**

- a **S. D.** Banking corporations may extend charter by amending articles; regulations; notice to stockholders. 80, 11 Mr 03

1684 **Capital**

- a **Cal.** Amount of capital stock required for formation of banking corporation. Adding §580 to C. C. 78, 5 Mr 03
- b **Kan.** Capital stock of state banks not to be less than \$10,000 [formerly \$5000]. Amending G. S. '01 §408. 68, 7 Mr 03
- c **U.** Amending R. S. '98 §375 fixing minimum capital stock of bank. 77, 12 Mr 03

1688 **Deposits**

- a **Ill.** Amending R. S. '01 ch.38 §25a declaring it embezzlement for banker, broker or banking corporation to receive deposits when *in his or its knowledge* insolvent; repealing provision making suspension within 30 days prima facie evidence of intent to defraud. p.156, 13 My 03

1693 **Officers**

- a **Ga.** Boards of bank directors to consist of 3 to 15 [formerly 7] members. Amending C. §1908. p.34, 17 Ag 03

1695 **Reserve. Surplus**

- a **Mo.** Requiring private banks receiving general deposits to set aside at least 20% of net profits to surplus for payment of losses till such surplus equals 20% of capital. Amending R. S. '99 §1300. p.117, 24 Mr 03

- b **Mon.** Half of available funds of bank *must* [formerly may] consist of balances due from solvent banks; if available funds fall below 20% of immediate liabilities, bank may not *decrease funds* [formerly increase liabilities] by making loans or paying dividends; penalty. Amending C. C. §584. 107, 6 Mr 03

## 1697 Trust and safe deposit companies

### 1698 General and miscellaneous

- a **Ari.** Trust company may act in fiduciary capacity. 31, 18 Mr 03
- b **Ark.** Organization and regulation of trust companies; general laws governing banks to apply. 135, 13 Ap 03
- c **Del.** Domestic trust company may be appointed to office of trust: surety on bond need not be required. 388, 23 Mr 03
- d **Kan.** Trust company may not execute bond creating liability greater than  $\frac{1}{4}$  of capital, become purchaser of its own stock except to prevent loss on debt or invest more than one half of capital and surplus in bank stocks. Amending '01 ch.407 §2. 528, 9 Mr 03
- e **Mass.** Extending till Feb. 1, 1904, time for report of commission appointed to revise laws relating to trust companies. 169, 4 My 03
- f **N. J.** Amending '99 ch.174 §9 relating to trust companies: securities deposited with register of Prerogative Court. 214, 8 Ap 03
- g **N. M.** Trust companies: incorporation; regulation. 52, 12 Mr; 115, 19 Mr 03
- h **N. D.** Miscellaneous amendments to R. C. '99 §3258f, 3258m, 3258p relative to powers of trust companies. 195, 5 Mr 03
- i **N. D.** Security deposits of trust companies to be made with state *treasurer* [formerly auditor]. Amending R. C. '99 §3258c. 202, 10 Mr 03
- j **Vt.** Trust company, on authority of inspector of finance, may act as executor, guardian or trustee; capital stock and surplus to be held as security; moneys to be kept distinct from general business; examination by inspector of finance. 72, 11 D 02
- k **Wash.** Incorporation of trust companies: capital; powers; organization; reports to secretary of state 2 or more times a year; liability of stockholders limited to par value of shares; incorporation fees. 176, 17 Mr 03
- l **W. Va.** Amending '01 ch.85 relating to incorporation and regulation of title and trust companies; withdrawing powers of surety, guaranty, bonding and insurance; fine \$500 for failure to file annual certificate of paid up capital with secretary of state; publication by auditor. 7, 25 F 03

### 1700 Reports. Inspection

- a **Ct.** *Bank commissioners* [formerly insurance commissioner] to examine trust companies. Amending G. S. '02 §3637-57. 167, 9 Je 03

### 1701 Deposits

- a **N. J.** Supplementing '09 ch.174 as to payment of deposits by trust company on death of trustee; proviso in case of minor. 210, 8 Ap 03

## ADMINISTRATIVE LAW BANKING

1703

1703

**Investments**

- a **Minn.** Amending S. '94 §2844, 2850 as to character of bonds in which capital stock of trust company may be invested. 70, 19 Mr 03
- b **Minn.** Annuity, safe deposit and trust companies may invest in railroad debenture stock bearing at least 4% interest and constituting first lien on railroad. 273, 18 Ap 03
- c **N. Y.** Capital stock and moneys of trust company may be invested in real estate to extent of 60% [formerly 50] of value. Amending banking law '92 ch.689 §159. 160, 14 Ap 03

1707

**Savings banks**

708

**General and miscellaneous**

- a **Mass.** 1850 [formerly 2100] copies of report of commissioners of savings banks to be printed annually. Amending R. L. ch.9 §7. 390, 27 My 03
- b **Minn.** Amending '67 ch.23 §7-8 relating to incorporation of savings associations: deposits; investments. 71, 19 Mr 03
- c **Mo.** Repealing R. S. '99 §1471 forbidding banks not organized as savings banks from receiving deposits as savings banks. p.136, 24 Mr 03

712

**Deposits**

- a **Me.** Treasurer of savings bank to publish annually deposits unclaimed for 20 years preceding; to transmit copy to bank examiner. Amending '87 ch.136. 107, 18 Mr 03
- b **Wis.** Amending S. '98 §2020 relating to deposits in savings bank or savings department of United States or state bank by minor or married woman. 115, 24 Ap 03

713

**Investments. Reserves**

- a **Ct.** Amending G. S. '02 §3428 relative to investments by savings banks. 147, 9 Je; 171, 11 Je 03
- b **Ind.** Amending '93 ch.120 §1 relative to investment of funds of savings bank. 114, 7 Mr 03
- c **Ind.** Reserve of savings banks may be deposited on call in any state or national bank. Amending Burns's Ann. S. '94 §2961. 176, 9 Mr 03
- d **Me.** Savings banks to maintain reserve fund of 10% [formerly 5] of deposits. Amending R. S. '83 ch.47 §106. 106, 18 Mr 03
- e **Me.** Amending R. S. '83 ch.47 §100 regulating investments of savings banks. 190, 28 Mr 03
- f **Minn.** Amending S. '94 §2562 relative to character of bonds in which funds of savings banks shall be invested. 108, 30 Mr 03
- g **Minn.** Savings banks may invest in railroad debenture stock bearing at least 4% interest and constituting first lien on railroad. 273, 18 Ap 03
- h **N. Y.** Deposits in savings banks may be invested in interest-bearing obligations of city, county, town or village. Amending banking law '92 ch.689 §116 subdiv.4. 328, 6 My 03

1714

**Officers**

- a **Ind.** Amending '91 ch.41 relating to salaries of trustees of savings banks. 192, 9 Mr 03
- b **Me.** Clerks of savings banks to make annual return of election of officers within 30 [formerly 10] days to bank examiner. Amending R. S. '83 ch.47 §129. 52, 4 Mr 03

1715 **Mortgage, loan and investment companies**

- a **Ct.** Supervision of investment companies by *commissioner of building and loan associations* [formerly bank commissioner]. Amending G. S. '02 §3318. 69, 6 My 03
- b **Ind.** 3 or more persons may form voluntary association to deal in debentures and to buy, sell, *mortgage and lease* property. Amending '01 ch.127 §22. 49, 28 F 03
- c **Mich.** Regulating foreign investment companies other than life insurance companies and building and loan associations: to file articles; deposit; annual report; fees; penalties. 60, 27 Ap 03
- d **Mich.** Regulating business of corporations or associations other than building and loan associations and life insurance companies, which deal in investment securities on instalment plan; certificates of authority; annual inspection; special examiner to be appointed by secretary of state; fees; penalties. 166, 28 My 03
- e **Mo.** Regulating business of certain cooperative investment companies: deposit of \$25,000 or more in bonds or securities with state treasurer; certificate to be issued by supervisor of building and loan associations; withdrawal of deposit; procedure in case of insolvency. p.110, 21 Ap 03
- f **Neb.** Instalment investment companies: statement of plan of business to be filed before receipt of certificate from Banking Board permitting company to do business; regulations; penalties. 29, 8 Ap 03
- g **Wis.** *Foreign* investment associations, etc. to comply with building and loan association laws; penalty. Amending S. '99 ch.216. 374, 20 My 03

1717

**Building and loan associations**

The names of these organizations vary somewhat, but the powers and regulations do not depend on the name. The ordinary phrase is *building and loan associations*, but they are elsewhere called *savings and loan associations*, *cooperative loan associations*, etc., and in Massachusetts *cooperative banks*.

1718

**General and miscellaneous**

- a **Ari.** Limiting time of loans by savings and loan associations to 10 [formerly 6] years. Amending R. S. '01 §828. 86, 19 Mr 03
- b **Del.** Insurance commissioner to inspect and supervise building and loan associations; annual statement to commissioner; deposit of foreign corporations with state treasurer; annual license fees; examination of corporation by commissioner on request of shareholders; penalties; commissioner to report on building and loan associations in report to Legislature. 330, 18 Mr 03

## ADMINISTRATIVE LAW BANKING

1718-

- c **Fla.** Amending R. S. '92 §2205-7 relating to building and loan associations: capital stock; loans. 63, '03
- l **Ill.** Miscellaneous amendments to '79 p.83 relating to building, loan and homestead associations. p.124, 16 My 03
- Me.** Amending '87 ch.61 §138, 148, 149 relating to loan and building associations: interest on matured shares, 5% [formerly 6] from maturity to time of payment; guaranty fund. 79, 11 Mr 03
- Mass.** Verbal amendment to R. L. ch.114 §24 relating to guaranty fund of cooperative banks. 203, 8 Ap 03
- Minn.** Amending '01 ch.233 §2, 4, 6 relating to building, loan and savings associations: change of name; loans to stockholders; investments; deposit. 93, 28 Mr 03
- N. J.** General law relating to building and loan associations. 10p. 218, 8 Ap 03
- N. M.** Reincorporation of building and loan associations. 52, 12 Mr 03
- N. Y.** Cooperative savings banks and building and loan associations may not make deductions from stock payments for running expenses. Amending banking law '92 ch.689 by adding §195b. 84, 25 Mr 03
- N. C.** Married women and minors may deal in stock of building and loan associations. Adding §2294a to C. 728, 9 Mr 03
- Wash.** Building, loan and savings associations may make loans to shareholders *and others*; to deposit all mortgages with trust company or state auditor and additional securities if mortgages amount to less than \$25,000; amenability to usury laws. Amending Ann. C. & S. '97 §4395, 4398-99, 4425, 4433; repealing §4428. 116, 10 Mr 03

## Capital. Shares

- a **Mass.** Amending R. L. ch.114 §9-10 relative to retirement of unpledged shares of cooperative banks. 95, 16 F 03
- b **Mass.** Amending R. L. ch.114 §4 and adding §31 relating to capital to be accumulated by cooperative banks: increase of limit. 147, 10 Mr 03

## 23 Foreign associations

- a **Ct.** Amending G. S. '02 §4008 as to annual financial statement of foreign building and loan associations. 70, 6 My 03

## 27 Pawnbroking

- a **Ill.** Regulating pawnbroking: book of entries to be kept; pawned articles and record to be open to inspection of sheriff or police; daily report to sheriff; prohibiting sale or removal of property within 24 hours. Supplementing R. S. '01 ch.107a. p.270, 14 My 03
- b **Me.** Cities may regulate pawnbroking. 137, 24 Mr 03
- c **Mon.** Misdemeanor for pawnbroker to fail to register description of property pledged *or sold, to receive articles from person under*

or to refuse to show register or articles to peace officer. Amending Pen. C. §620. 54, 3 Mr 03

- d **N. Y.** Pawnbroker to return articles on presentation of ticket unless, in case of loss of ticket by owner, stop ticket has been issued. Amending '83 ch.339 §5. 538, 9 My 03

1730

## Insurance

*See also Corporations, 500; Taxation of insurance companies, 844*

1731

## General (all classes)

1732

### General

- a **Id.** Mutual cooperative insurance companies: persons owning property worth \$100,000 may associate for insurance against fire, wind and fidelity of persons; companies having less than \$5,000,000 at risk may not do business outside of state; foreign companies having \$5,000,000 at risk may do business in state; policies; settlement of disputes; examination by Insurance Department. p.74, 10 Mr 03
- b **Ind.** Incorporation and regulation of accident and casualty insurance companies: investment of \$300,000 in certain securities; deposit with auditor; annual report; increase of capital; manner of investing funds. 139, 9 Mr 03
- c **Kan.** Amending G. S. '01 ch.50 art.1 relating to insurance. 330, 6 Mr 03
- d **Minn.** Amending insurance law '97 ch.32 §175: moneys may be lent on notes secured by pledge of warehouse receipts; capital of bicycle insurance companies. 142, 8 Ap 03
- e **N. J.** Repealing statutes relating to insurance companies enacted prior to revision of '02 ch.134; effect of repeal. 233, 8 Ap 03
- f **N. C.** Verbal amendment to '01 ch.705 relative to statements in application for insurance. 61, 2 F 03
- g **N. C.** All companies doing any kind of insurance business to be licensed and supervised by insurance commissioner and to pay certain fees etc. 594, 9 Mr 03
- h **Pa.** Certain fidelity and insurance companies may receive deposits, invest funds and lend money on real and personal securities. Amending '95 ch.286. 164, 21 Ap 03
- i **Tenn.** Assessment life and casualty insurance companies, to obtain license, must secure applications for \$1,000,000 [formerly \$400,000] policies and maintain assets other than capital stock in excess of liabilities equal to 2% of insurance in force. Amending '97 ch.127 §3, 4. 574, 3 Ap 03
- j **Vt.** Insurance commissioners to compute annually the reserve liability of insurance companies: method of computation; value of life insurance policies hereafter to be computed on American experience table at 3½% interest. Repealing S. '94 §4204. 76, 12 D 02
- k **Wy.** Insurance companies may insure against loss or damage by burglary, breakage of plate glass, explosion of steam boilers, death

## ADMINISTRATIVE LAW INSURANCE

1731

and accident and may insure health of persons. Amending R. S. '99 §3162. 27, 18 F 03

**33 State departments**

- a Kan.** Amending '01 ch.293 relating to annual report of superintendent of insurance. 406, 20 F 03
- b Neb.** Auditor of public accounts may appoint deputy for Department of Insurance. 103, 8 Ap 03
- c N. J.** Salary of commissioner of banking and insurance \$6000 [formerly \$4000]. Amending '91 ch.6 §3. 34, 13 Mr 03
- d N. C.** Providing for clerical aid for insurance commissioner at expense not exceeding \$1600 [formerly \$1000]. Amending '99 ch.54 §8. 42, 27 Ja 03
- e S. D.** State insurance commissioner [formerly state auditor] to receive statements of insurance companies and issue certificates. Amending C. C. '03 §593. 160, 10 Mr 03

**734 Examination. Report**

- a Minn.** Annual statement of insurance company to be published in county where office is located or in Hennepin and [formerly or] Ramsey counties. 327, 21 Ap 03
- b N. Y.** Individual, partnership or association of underwriters to file annual statement with superintendent of insurance. Amending insurance law '92 ch.690 art.1 §57. 471, 7 My 03
- c N. C.** Amending '99 ch.54 §46 as to examination of insurance corporation. 715, 9 Mr 03
- d Vt.** Insurance commissioners to inspect domestic companies every 3 years [formerly every year]; examination of foreign insurance companies to include computation of reinsurance reserve; latter to pay costs of examination. Amending S. '94 §4205. 77, 4 D 02
- e Vt.** Reports of life insurance companies to commissioners to include only amount of business actually issued and paid for and amount of premiums actually received. 79, 12 D 02

**1735 License**

- a Mon.** Licenses to engage in insurance business may be issued only to residents; to expire on Dec. [formerly Mar.] 31 of each year. Amending '97 p.76. 97, 6 Mr 03
- b Neb.** Fee for issue of certificate of authority to domestic insurance corporation 50c [formerly \$2]; mode of payment. Amending C. S. '01 §3441. 46, 8 Ap 03
- c N. H.** Domestic insurance companies to file statement of capital, copy of charter etc. with insurance commissioner before obtaining license. 18, 24 F 03
- d Vt.** Insurance commissioners to publish bimonthly lists of authorized insurance and guaranty companies and fraternal associations. 75, 12 D 02

1736

**Agents**

- a N. D.** Insurance agents to procure licenses from commissioner of insurance; exceptions; penalty. 112, 11 F 03



- b Or. Amending Ann. C. & S. §3729 relating to establishment of agencies by insurance companies. p.16, 9 F 03

1737 **Amendment and extension of charter. Reorganization**

- a Ga. Charter of insurance companies other than fire insurance may be amended so as to relinquish privileges. Amending C. '95 §1840-41. p.49, 16 D 02
- b Ga. Amending C. '95 §2017 removing 50 year limit on corporate powers and privileges of insurance companies. p.52, 16 D 02

1738 **Brokers**

- a Va. Amending '03 ch.148 §85 relating to insurance brokers: agent or clerk soliciting for insurance companies other than one for which authorized agent or clerk to be deemed insurance broker; license fee; penalties. 235, 14 My 03

1740 **Combinations**

- a S. D. Prohibiting combination of insurance companies to fix rates: affidavit to be made annually to state commissioner of insurance or on demand; prosecution; penalties. 158, 9 Mr 03

1741 **Deposit of security**

- a Ark. Amending S. '94 §4124 relating to bonds to be given by insurance companies; exceptions. 200, 20 My 03

1742 **Discrimination**

- a Mon. Insurance company may not discriminate in favor of individuals or enter into contract not expressed in policy or offer rebate or other consideration as inducement to insurance; penalty; fraternal societies excepted. 112, 7 Mr 03

1745 **Fines and penalties**

- a S. C. Amending C. C. §1814 relating to penalty for violation of §1810-12 of insurance law. 38, 20 F 03

1746 **Foreign companies**

- a Col. Life insurance, guaranty, employers liability and surety companies to do business through resident agents; penalty. 121, 11 Ap 03
- b Ind. Foreign insurance companies to procure license of auditor; agents to file annually with a clerk of the Circuit Court a copy of financial statement. 66, 3 Mr 03
- c Kan. Foreign insurance company may not do business in Kansas unless it has as much paid up capital as state in which it is organized requires of similar Kansas companies. Amending G. S. '01 §3404. 332, 27 F 03
- d Mass. Amending R. L. ch.118 §7 ¶1 relating to revocation of certificate of foreign insurance company violating law or charter or in such condition as to render continuation hazardous to public or policy holders; procedure. 421, 12 Je 03

## ADMINISTRATIVE LAW INSURANCE

174

- c Tex.** Foreign insurance companies to do business only through licensed agents resident in state; penalty. Repealing '97 ch.135.

143, 1 Ap 03

- f Vt.** Amending S. '94 §4178-79 relative to admission of foreign joint stock and mutual insurance companies. 73, 12 D 02

- g Vt.** Amending S. '94 §4183 relating to revocation of license of foreign insurance companies; no policy to be issued or renewed after publication of notice. 74, 4 D 02

- h Wy.** Foreign fire insurance companies to transact business only through resident agents; revocation of license by auditor of state.

39, 18 F 03

1747

**Investments**

- a Kan.** Insurance corporation, excepting life insurance, may invest in stocks and bonds of county, school district or incorporated city in any state. Amending G. S. '01 3392. 331, 11 Mr 03

- b Wis.** Domestic life insurance companies may invest in funds of organized territories of United States and District of Columbia. Amending '01 ch.22 §1. 6, 4 Mr 03

1748

**Liability. Actions against company**

- a Cal.** Persons insured by 2 or more insurers in respect to one interest may include all such insurers in action for recovery of loss. Amending C. C. P. §383. 181, 18 Mr 03

- b Tex.** Insurance contract: not invalidated by misrepresentations in application or proof of loss or death immaterial to liability of company, or by material misrepresentations if company fails to notify insured within 90 days after discovery; copy of application to accompany contract. Adding ch.5 to R. C. S. art.58. 69, 27 Mr 03

1750

**Officers**

- a N. Y.** President of insurance corporation to be elected from among directors. Amending insurance law '92 ch.690 §172.

135, 6 Ap 03

1753

**Life and accident**

1754

**General**

- a Ct.** Life insurance companies may reinsure parts of single risks in one or more *life* insurance [formerly insurance] companies. Amending G. S. '02 §3557. 16, 25 Mr 03

- b Ct.** Amending G. S. '02 §3564, 3626 relating to loans of life insurance companies and licensing of insurance agents. 17, 25 Mr 03

- c Ct.** Amending G. S. '02 §3528-29, 3553 relating to life insurance: reinsurance reserve, dividends and valuation of policies in force.

19, 6 Ap 03

- d Fla.** Regulations for sick and funeral benefit insurance companies: capital stock deposit with state treasurer; foreign companies to file certificate and statements; state treasurer to issue certificate of

authority; license tax; law inapplicable to secret or fraternal orders; penalty. 117, '03

- e **Ind.** Amending '99 ch.28 §10, 14-15 relating to valuation of life policies and deposit of security with state auditor. 27, 25 F 03
- f **Kan.** Organization of burial insurance companies: certificate from superintendent of insurance; annual report; fee. 334, 12 F 03
- g **Mich.** Amending '69 ch.77, '01 ch.195 and adding §33 relating to stock life insurance companies: deposit of bonds; valuations by state commissioner of insurance. 72, 4 My 03
- h **Minn.** Amending '01 ch.178 regulating life insurance companies on stipulated premium plan: new bylaws may not change existing contract without consent in writing of insured; deposit; loans on policies; reinsurance; notices. 295, 20 Ap 03
- i **N. C.** Regulating life insurance companies: insurance law '99 ch.54 §32-37 to apply; power to hold land; liability; deposits; security; reinsurance; mutual companies; foreign companies. 536, 6 Mr 03
- j **Pa.** Regulating joint stock and mutual life and accident insurance companies: limit of policies to \$10 a week in case of accident and \$250 in case of death; deposit with insurance commissioner; fraternal or benevolent corporation may reincorporate under this act on vote of majority of members. 259, 28 Ap 03
- k **Wis.** Removing 50 year time limit on duration of life insurance company. Amending S. '98 §1947. 214, 11 My 03

## 1757

**Foreign companies**

- a **Col.** Relating to payment of obligations of foreign life or accident insurance company. 118, 10 Ap 03
- b **Mich.** Amending C. L. '97 §7199 as to deposits required of life insurance companies organized under foreign government transacting business in state. 74, 4 My 03
- c **N. J.** Foreign life and accident insurance companies with capital of \$500,000 may do business in state. Amending '02 ch.134 §58. 47, 13 Mr 03

## 1758

**Policies**

- a **Col.** Suicide no defense against payment of life insurance policy. 119, 11 Ap 03
- b **Ct.** Minor amendment to G. S. '02 §3544 relating to valuation of policies of foreign life insurance companies by state commissioner. 18, 6 Ap 03
- c **Mo.** Amending R. S. '99 §7897 relating to computation of net value of life insurance policy if premium is not paid. p.208, 27 Mr 03
- d **Neb.** Auditor of state to cause valuation of policies of joint stock legal reserve life insurance companies to be made annually. Amending C. S. '01 §1677. 27, 8 Ap 03
- e **N. D.** Suicide no defense in suits on life insurance policies which have been in force 1 year. 111, 5 Mr 03

## ADMINISTRATIVE LAW INSURANCE

1758-61

- Insurance commissioner to value life insurance policies according to American experience table of mortality. 40, 19 Mr 03
- a. Life insurance policies may be assigned. 180, 27 Ap 03

**Mutual insurance**

- Amending '01 p.165 relating to mutual life insurance companies: requiring \$100,000 paid up capital or cash assets; insurance commissioner to be furnished with forms of policies; fees; duties. p.253, 10 Mr 03
- an. Relating to mutual or cooperative life insurance companies: legalization of certain policies; liquidation; reinsurance. 336, 10 Mr 03
- ass. Amending R. L. ch.118 §43 relative to accumulation of reserve fund by mutual life insurance companies. 174, 26 Mr 03
- ch. Adding §34-40 to '87 ch.187 relating to cooperative and fraternal benefit associations: emergency fund; reinsurance; dissolution; emergency; fraternal beneficiary societies excepted. 246, 18 Je 03
- eb. Organization of life insurance companies on mutual, level premium, legal reserve plan. 52, 14 Ap 03
- a. Domestic mutual life insurance companies may reincorporate as stock companies under existing names; regulations; powers; 247, 15 My 03
- is. Mutual accident insurance companies, excepting fraternal benefit societies and benefit societies connected with churches, to procure license from commissioner of insurance. Amending '03 ch.130. 413, 21 My 03

**Assessment companies**

- ass. Amending R. L. ch.118 §11 as to valuation of life insurance policies issued by assessment corporations prior to 1906 [formerly 1903]. 223, 10 Ap 03
- ass. *Assessment insurance companies* [formerly foreign assessment insurance companies] to file with insurance commissioner names and residences of agents in state. Amending R. L. ch.120 §13. 227, 13 Ap 03

**Fraternal beneficiary societies**

- l. Fraternal beneficiary societies: investment of funds; reserve fund; may be deposited with superintendent of insurance; fees; duties. p.218, 14 My 03
- ass. Amending R. L. ch.119 §12 permitting certain fraternal beneficiary corporations to do business without being incorporated. 332, 7 My 03
- inn. Regulating fraternal beneficiary associations: form of organization; exemptions from taxation, garnishment and attachment. 276, 18 Ap 03
- inn. Regulating beneficiary associations not having lodge charters: purpose of organization; exemptions from taxation, garnishment and attachment. 296, 20 Ap 03

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insurance commissioner to place policies with such company. Am-  
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- e **N. C.** Agent of fire insurance company having sum equal to three fourths of assets invested in bonds in state to pay license fee of 50c [formerly \$1]. Amending '99 ch.54 §81. 774, 9 Mr 03
  - f **Tex.** Regulating mutual fire, storm and lightning insurance companies. 109, 3 Ap 03
- 766 **Foreign companies. Reinsurance**
- a **Del.** Fire insurance companies not to reinsure in or transfer liability to foreign company *except on written consent of insurance commissioner*. Amending '01 ch.99 §12. 329, 31 Mr 03
  - b **Fla.** Fire insurance companies to transact business in state only through resident agents; to reinsure with authorized companies only; insurance commissioners empowered to examine. 61, 30 My 03
  - c **Neb.** Amending C. S. '01 §3453a-f regulating foreign fire, accident, burglary, liability, plate glass or steam boiler insurance companies: supervision of auditor or insurance commissioner. 47, 4 Ap 03
  - d **N. C.** Fire insurance company may not employ as agent, and agent may not give commission to, nonresident; penalty; insurance commissioner to investigate violation. 488, 6 Mr 03
  - e **Wis.** Fire insurance company may reinsure in company with \$100,000 capital; on retiring from business to reinsure in domestic company and file statement of liabilities with insurance commissioner. 394, 21 My 03
- 767 **Liability. Losses**
- a **Ari.** Insurance companies to furnish blank forms of proof of loss; failure to do so to be deemed waiver of proof. 67, 19 Mr 03
  - b **Kan.** Permitting recovery on insurance policy if insured premises are occupied at time of loss, even if they have previously been vacant. 333, 13 Mr 03
  - c **Wis.** Limiting liability which casualty insurance company may assume in contract of insurance to any one person to 10% of assets. 56, 6 Ap 03
- 768 **Lloyd's associations**
- a **N. Y.** Unlawful for Lloyd's to print or write on fire insurance policy words conveying impression that such policy is of standard form prescribed for fire insurance corporations. Amending '92 ch.38 §121. 106, 27 Mr 03
- 769 **Policies**
- a **Minn.** Person may accept policy with coinsurance clause from insurance company where consideration is reduction in rate of insurance; exceptions. Amending '95 ch.175 §25. 245, 17 Ap 03
  - b **Tenn.** Amending '93 ch.107 by providing for validation of three fourths value clause, and of coinsurance clause in cities or towns of 15,000; provisos. 539, 15 Ap 03
- 1770 **Mutual companies**
- a **Ari.** Providing for incorporation of voluntary mutual fire insurance companies of property owners in city, town or village. Amending R. S. '01 §789. 53, 19 Mr 03

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- e **Neb.** Fraternal society in another state; date of annual meeting of 335, 6 Mr 03
- f **N. Y.** Corporation; mutual fire and windstorm assessments sufficient to cover 205, 16 Je 03
- g **N. Y.** Fraternal; have 1 to 3 directors; siting to mutual fire insurance 220, 16 Je 03
- h **Wash.** Fraternal; ment of money; law '92 ch 600; 5 mutual fire insurance companies; 92, 28 Mr 03
- 1762 **Wash.** Fraternal; and maintain; one or hurricane insurance companies; 244, 17 Ap 03
- a **Ct.** Rec.; many insuring dwelling houses; 347, 21 Ap 03
- b **Neb.**; fire may issue policies when 34738, 34739 relating to mutual city
- c **N. J.**; may insure in cities and villages in 34738, 34739 relating to mutual city
- d **Tex.**; may limit liability of policy holders; 48, 13 Ap 03
- e **W.**; limiting amount of insurance; 153, 21 F 03
- f **V.**; may take on any single risk; 40, 23 F 03
- g **W.**; may insure in or become member; 161, 10 Mr 03
- 1763 **W.**; of insurance must find mutual fire; 161, 10 Mr 03
- a **W.**; more issuing license. Amending C. C. 161, 10 Mr 03
- b **W.**; companies may insure property against 161, 10 Mr 03
- 1764 **W.**; fire or hail; proviso, notes for unpaid 161, 10 Mr 03
- a **W.**; to be nonnegotiable; repealing provision 161, 10 Mr 03
- b **W.**; of property within state. Amending 161, 10 Mr 03
- c **W.**; insurance companies not to accumulate 161, 10 Mr 03
- d **W.**; [formerly 4] of face of premium notes; if an 161, 10 Mr 03
- e **W.**; [formerly 6] assessment on face of 161, 10 Mr 03
- f **W.**; [formerly 5] of same may be used for payment 161, 10 Mr 03
- g **W.**; ch. 132 relating to mutual fire insurance 161, 10 Mr 03
- h **W.**; mutual marine and fire insurance companies; 161, 10 Mr 03
- i **W.**; subscriptions; subscribers entitled to annual 161, 10 Mr 03
- j **W.**; profits; division of net profits; person insured 161, 10 Mr 03
- k **W.**; \$5000 of policies held. 150, 12 Mr 03
- l **W.**; insurance companies in cities and villages may 150, 12 Mr 03
- m **W.**; [formerly not exceeding 8 contiguous counties]. 150, 12 Mr 03
- n **W.**; [formerly \$1,800 formerly \$2000]. Amending S. '08 150, 12 Mr 03
- o **W.**; 93, 20 Ap 03

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Amending S. '98 §1941 subdiv.13 relating to nonresident  
in mutual insurance companies. 98, 20 Ap 03

City or village mutual fire insurance company may amend  
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Via. 75 [formerly 25] persons in cities or villages owning  
[formerly \$25,000] of property may organize mutual insurance  
companies. Amending S. '98 §1941 subdiv. 1. 217, 11 My 03

Wis. Mutual fire insurance company having assets sufficient for  
insurance of outstanding risks may, by consent of two thirds of  
members, representing half of insurance, reincorporate as stock corpora-  
tion. 229, 12 My 03

**County companies**

N. D. Directors of county mutual fire and storm insurance com-  
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ing R. C. '99 §3146. 110, 10 Mr 03

**Township companies**

a Ill. Amending '93 p.115 §3 as to date of annual meeting of town-  
ship insurance companies. p.222, 14 My 03

b Minn. Amending S. '94 §3237-38, 3243 relative to township  
mutual insurance companies: acceptance of applications; class of prop-  
erty insurable; joint and partial risks; emergency fund. 110, 31 Mr 03

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**Miscellaneous casualty**

a Ark. Exempting mutual cotton factory insurance companies  
from provisions of insurance laws and laws governing foreign corpora-  
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b Ct. Fire insurance companies may insure against leakage of  
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cepting those of steam boilers. Amending G. S. '02 §3510. 23, 14 Ap 03

c Mo. Fire insurance companies may insure against injury result-  
ing from breaking of sprinklers, pumps or other fire apparatus from  
causes other than fire. p.207, 9 Mr 03

d Neb. Companies may be organized for storm, flood, plate glass,  
burglary, liability, title, steam boiler, credit and automatic sprinkler  
insurance; removing limitation on number of purposes for which com-  
pany may organize; risk. Amending C. S. '01 §3417. 45, 7 Ap 03

e Wis. Amending S. '98 relating to formation of druggists and  
hardware dealers mutual fire insurance companies. 247, 13 My 03

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**Church**

a Wis. Church insurance corporation may make contract with  
trustees, official board, pastor or member; limit of single risk, \$5000  
[formerly \$3000]. Amending S. '98 §1941 subdiv.24, 26. 205, 11 My 03

1787

**Hail and cyclone**

a Minn. Revision of S. '94 §3344-60 relative to mutual insurance  
against hail, tornadoes, cyclones, hurricanes etc. 271, 18 Ap 03



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N. Y. STATE LIBRARY SUMMARY OF LEGISLATION 1903

- b **Neb.** Amending C. S. '01 §3494z<sup>1</sup> relating to mutual hail insurance companies: may district state and limit liability of members; 50% of income to be deposited in bank; officers' bond. 51, 10 Ap 03
- c **N. D.** Prohibiting hail insurance by foreign mutual insurance company. 109, 4 Mr 03
- d **N. D.** Mutual hail insurance companies to deposit \$25,000 with state treasurer; regulations. 114, 10 Mr 03
- e **Wis.** Mutual town insurance company may insure property in adjoining city or village against cyclones. Amending S. '98 §1931. 352, 21 My 03

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Live stock

- a **Neb.** Organization of mutual insurance companies to insure against loss of domestic animals by fire, lightning, tornadoes, disease or accident; regulations. 50, 13 Ap 03

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Surety and guaranty companies

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General

- a **Ark.** Organization and regulation of surety companies; general laws governing banks to apply. 135, 13 Ap 03
- b **Ark.** Surety companies may give bonds for state, county and municipal officers: to have agent in state; *paid capital to \$50,000 [formerly \$100,000] to be invested in specified security; security or bond to same amount to be deposited with auditor; agent defined: agent to procure annual certificate from auditor; penalty; auditor's fees: powers of company.* 187, 4 My 03
- c **Del.** Insurance commissioner to inspect and supervise guaranty and bonding corporations; annual statement to commissioner; annual license; fees; penalties. 330, 18 Mr 03
- d **Kan.** No defense for security company executing bond for fiduciary to show in suit to recover that misrepresentations were made in application. Amending G. S. '01 §530. 489, 15 Mr 03
- e **N. D.** Regulating fidelity insurance companies: may be sole surety on bonds of fiduciaries; acceptance of bond; fiduciary may include cost of bond as part of expenses; regulations; requirements; tax. 113, 10 Mr 03
- f **N. D.** Miscellaneous amendments to R. C. '99 §3258f, 3258m. 105Sp relative to powers of surety companies. 195, 5 Mr 03
- g **Or.** Amending Ann. C. & S. §3757, 3759-60, 3762 relating to surety companies: foreign companies to deposit annually with treasurer \$50,000 of designated bonds or to invest \$65,000 in real estate, vesting title in treasurer; return of securities; fees. p.222, 24 F 03
- h **Tex.** Guaranty and fidelity companies may guarantee contracts between individuals, private corporations and public corporations. Amending R. C. S. art 642 subdiv.37. 127, 1 Ap 03
- i **Wash.** Transferring certain duties relating to surety companies from secretary of state to insurance commissioner; fees. Amending 1903 114 87, 14 Mr 03

## ADMINISTRATIVE LAW    NAVIGATION

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- j    **W. Va.** Incorporating and regulating surety, guaranty, bonding and insurance companies: certificate of paid up capital of \$250,000 to be filed with secretary of state; deposit; annual financial statement to be filed with clerk of County Court; penalties; supervision as for insurance companies. 8, 26 F 03

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**Acceptance on bonds***See also* Suretyship, 467

- a    **Nev.** Trustworthy surety companies *shall* [formerly may] be accepted as surety on any official bond. Amending C. L. '00 §968.

42, 9 Mr 03

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**Foreign companies**

- a    **Mon.** Foreign surety company to deposit \$100,000 in securities with financial officer of state where company is incorporated and has principal place of business and \$50,000 in securities with treasurer of Montana; sale of securities to pay judgments which company refuses to pay; withdrawal. Amending '99 p.82.

129, 11 Mr 03

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**Navigation. Waterways***See also* Canals, 1383; Ferries and fords, 1388; Bridges, 1393

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**General**

- a    **Mass.** Employees of Massachusetts Board of Harbor and Land Commissioners may enter on public and private land; damages for injury to be determined by county commissioners. 150, 11 Mr 03
- b    **Pa.** Regulating navigation on inland lakes: inspection of steam vessels carrying passengers for hire and examination of masters, pilots and engineers; testing boilers; precautions against fire; life-preservers; issue of certificates; penalties; factory inspector and deputies to have charge of enforcement of law; inspector to report to governor annually. 147, 15 Ap 03
- c    **R. I.** Designating 5 commissioners to investigate shipping interests of state in Providence harbor and Narragansett bay; report to Legislature at January session, 1904; \$5000. 119, 17 Ap 03

1803

**Harbors**

- a    **Cal.** Amending P. C. §2527 relating to contracts made by state harbor commissioners. 230, 20 Mr 03
- b    **Fla.** Amending R. S. '92 §953, 956 as to powers and duties of harbor masters: to be ex officio members of Board of Port Wardens and Pilot Commissioners; fees; penalties. 118, 30 My 03
- c    **Me.** Amending R. S. '83 ch.3 §64 relative to placing permanent moorings in harbors, and appointment of harbor masters by town selectmen; latter to locate positions for mooring, and assign privileges; penalty. 116, 19 Mr 03

1804 **Wharves. Docks. Piers. Wharf lines**

- a    **Cal.** Amending '97 ch.175 relating to maintenance of free public markets by Board of Harbor Commissioners on state land contiguous to docks and piers of San Francisco. 68, 2 Mr 03

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of pilotage

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amount of \$100; must be paid

amount of \$100; must be paid

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### General

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Regulation of the Board of Agriculture

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**1825 State department**

- a Del.** \$3000 [formerly \$1000] annual appropriation for Board of Agriculture. Amending '99 ch.216. 332, 7 Ap 03
- b Me.** Providing for state dairy expert and assistants to be appointed by state commissioner of agriculture; powers and duties. 113, 25 F 03
- c N. H.** Providing seal for State Board of Agriculture. 9, 5 F 03
- d Pa.** Amending '95 ch.8 relating to Department of Agriculture: salary of chief clerk, stenographer and messenger; officers in department. 138, 14 Ap 03
- e Pa.** Secretary of agriculture may not publish over 25,000 [formerly 5000] copies of any bulletin; distribution. Amending '95 ch.8. 186, 22 Ap 03

**1826****Experiment stations***See also Agricultural schools, 2344*

- a Cal.** Establishing California Poultry Experiment Station at Petaluma: supervision by director of state agricultural experiment stations; bulletin; governor to appoint commission to select site. 133, 13 Mr 03
- b Cal.** Appropriating \$3000 for experimental and research work in viticulture at Agricultural Experiment Station of University of California. 377, 26 Mr 03
- c Ct.** 5000 additional copies of annual reports of Connecticut Agricultural Experiment Station to be printed. 55, 29 Ap 03
- d Mo.** Salary of trustees of Fruit Experiment Station \$100 [formerly \$300] and expenses. Amending R. S. '99 §4734. p.53, 4 Mr 03
- e Mon.** Establishing substation of Agricultural Experiment Station near Billings. 118, 7 Mr 03
- f Neb.** Establishing experiment substation to test adaptability of arid and semiarid lands to agriculture, horticulture and forestry; board of regents of State University to have management and power of appointment; \$15,000. 114, 8 Ap 03
- g Nev.** Board of Irrigation to direct expenditure for investigation of methods of irrigation by agents of United States Department of Agriculture and Nevada Agricultural Experiment Station; \$2000. 47, 9 Mr 03
- h N. D.** Fixing annual appropriation for experiment station. 10, 21 Mr 03
- i U.** Experimental farms: trustees of Agricultural College to establish 5 or more farms to be maintained not less than 5 years in arid regions for experiments with foreign plants and with methods of soil treatment under direction of Agricultural Experiment Station of Agricultural College; annual report; county commissioners to furnish site. 41, 6 Mr 03

**1829 Farmers institutes. Reading courses. Lectures**

- a Ari.** Providing for loan of \$2700 to establish farmers institutes. 47, 19 Mr 03

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## N. Y. STATE LIBRARY SUMMARY OF LEGISLATION 1903

- b **Cal.** Board of regents of University of California may hold farmers institutes for instruction in theoretic and practical agriculture; appropriation. 184, 18 Mr 03
  - c **Del.** Amending '89 ch.696 §3 whereby Board of Agriculture may appoint state director of farmers institutes; salary \$100; to cooperate with county institutes. 331, 31 Mr 03
  - d **Ill.** Fixing salary of secretary of Board of Directors of State Farmers Institute at \$2000. Amending '95 p.1. p.4, 15 My 03
  - e **Ind.** Purdue University to encourage and direct farmers reading courses and distribute pamphlets relative to agriculture. 233, 10 Mr 03
  - f **Kan.** County commissioners to make annual appropriation to defray expense of farmers institutes. 238, 13 Mr 03
  - g **Minn.** Creating Board of Administration of State Farmers Institutes: composition of board; to appoint state superintendent of farmers institutes for 2 years; powers and duties; arrangement of institute circuits; publication of *Farmers Institute Annual*; average cost of institute limited to \$150 a year; \$18,000. 221, 14 Ap 03
  - h **Mon.** Amending '01 p.55 §1, 2, 5 relating to State Farmers Institutes: membership of Board of Administration; duties of local organizations; \$4000 [formerly \$2000] annual appropriation. 105, 6 Mr 03
  - i **N. D.** Not less than 40 [formerly 15] farmers institutes to be held annually; location; biennial appropriation \$8000 [formerly \$3000]. Amending '01 ch.172 §2, 4. 11, 19 Mr 03
- 1832                      **Statistics. Weather and crop service**
- a **Fla.** Amending R. S. '92 §350 relating to agricultural statistics: county commissioners to approve returns of tax assessor and transmit to state commissioner of agriculture. 124, 12 My 03
  - b **Kan.** Providing for publication of horticultural statistics under supervision of secretary of State Horticultural Society. 404, 10 Mr 03
  - c **Me.** Repealing R. S. '83 ch.3 §39, 40, 41 requiring returns of agricultural statistics to be made by local assessors to secretary of state. 55, 4 Mr 03
  - d **Wis.** Amending S. '98 §1010, 335e relating to collection of statistics of farm products and their publication in annual report of Board of Agriculture. 39, 27 Mr 03
  - e **Wis.** Dairy statistics: local assessor to collect same relating to creameries, cheese and milk-condensing factories etc.; duplicate certificates; compilation. 187, 9 My 03

1834

**Associations. Fairs***See also* Racing, 891

1835

**General and miscellaneous**

- a **Kan.** Central Kansas Fair Association may police fair grounds; premiums. 239, 13 Mr 03
- b **Me.** Annual appropriation not exceeding 1¼c per capita for incorporated agricultural societies not provided for by special act: con-

## ADMINISTRATIVE LAW AGRICULTURE

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ditions; certificate given by *commissioner* [formerly secretary] of Board of Agriculture. Amending R. S. '83 ch.58 §11. 215, 28 Mr 03

- c **Minn.** County commissioners may pay \$500 or less to county agricultural society for maintenance of fair; proviso. 170, 10 Ap 03

- d **Mon.** County commissioners may appoint county agricultural fair commission, consisting of 5 persons chosen, if possible, from county fair association; may appropriate \$1000 for fair to be held between Aug. 20 and Oct. 20. 67, 5 Mr 03

- e **N. Y.** Amending agricultural law '93 ch.338 §88-89, repealing §88a relating to apportionment of moneys to agricultural societies, fair associations, expositions or clubs. 142, 6 Ap 03

- f **N. Y.** Local law or municipal ordinance fixing license fee for entertainments not to apply to fairs held on grounds of county or town fair association. Adding §146a to membership corporations law '95 ch.559. 275, 24 Ap 03

- g **N. D.** Agricultural fair corporation may make rules for management of fairs; directors; liability of stockholders. 7, 10 Mr 03

- h **Wash.** County commissioners may levy ½ mill tax for county fair association which has held 2 successive annual fairs and owns \$4000 of property; exceptions. 174, 17 Mr 03

## 1836 Dairymen's associations

- a **Wis.** \$500 annual appropriation to Wisconsin Buttermakers Association. 261, 14 My 03
- b **Wis.** \$600 [formerly \$400] annual appropriation to Wisconsin Cheesemakers Association. Amending '99 ch.259. 321, 20 My 03

## 1838 Horticultural societies

- a **Kan.** Providing for biennial report of State Horticultural Society. 405, 11 Mr 03
- b **Minn.** Providing for printing of 4000 [formerly 3000] copies of reports of Minnesota State Horticultural Society; distribution. Amending '99 ch.215. 169, 10 Ap 03
- c **Neb.** State Horticultural Society to meet on 3d Tuesday [formerly 1st Tuesday after 2d Monday] in January. Amending C. S. '02 §336. 1, 6 Ap 03

## 1839 Poultry associations

- a **Kan.** Creating State Poultry Association a state institution: annual convention; annual report to governor; publication and distribution; state appropriation. 28, 27 F 03
- b **Wis.** \$200 annual appropriation to Wisconsin State Poultry Association. 262, 14 My 03

## 1840 State associations and fairs

- a **Col.** Creating State Fair fund, to be awarded as premiums at annual Pueblo Fair; annual appropriation of \$2000 and \$1750 for Boards of Agriculture and Horticulture respectively; regulations. 107, 15 Ap 02
- b **Minn.** Generally amending laws relating to State Agricultural Society: membership designated; governing board; management of

- State Fair grounds; \$4000. Amending S. '94 §2952-69, '97 ch.225, '99 ch.304. 126, 30 Ap 03
- c Mon.** Establishing Montana State Fair as state institution; appointment of Board of Directors; powers and duties; board to locate grounds near Helena on donation of site; annual fair; regulations. 96, 6 Mr 03
- d Nev.** If appropriation is made to State Agricultural Society, gate and other receipts to be turned into state treasury. 96, 16 Mr 03
- e Or.** Annual appropriation \$10,000 [formerly \$8000] to be awarded as premiums by Board of Agriculture. Amending Ann. C. & S. §4147. p.197, 24 F 03
- f S. D.** State Fair after 1904 to be permanently located at city of Huron; regulations. 218, 11 F 03
- g Wash.** Amending '93 ch.134 §2, 8 as to place and date of State Fair and officers of State Fair Commission. 54, 7 Mr 03
- h Wis.** No state aid to fairs held during State Fair week; proviso. 294, 15 My 03

## 1842 Horticulture. Diseases and pests

### 1844 Supervision and regulation

- a Ark.** Imported nursery stock shall have certificate of healthy condition attached: entomologist of University of Arkansas to be state inspector: duties; fees: penalties. 203, 20 My 03
- b Cal.** Shipments of fruit trees *presumed to be* diseased to be disinfected at expense of owner. Amending '99 ch.76 §3. 30, 19 F 03
- c Cal.** Boxes, barrels or packages of fruit for sale in California must bear label showing locality in which fruit was grown; penalty; governor to appoint inspectors of fruit. 251, 20 Mr 03
- d Cal.** Abolishing Board of Horticulture and state horticultural quarantine officer; creating office of state commissioner of horticulture: state commissioner with approval of governor to establish quarantine and prescribe regulations: powers and duties; cooperation with county boards; biennial report to governor and Legislature alternately. Repealing '83 ch.63, '85 ch.7, '89 ch.86, '99 ch. 76. 379, 26 Mr 03
- e Ct.** Amending G. S. '02 §4388 requiring nursery stock shipped into state to bear certificate of state or government inspection and of fumigation. 88, 11 My 03
- f Ct.** State entomologist may order treatment or destruction of diseased trees or shrubs. Amending G. S. '02 §4387. 125, 21 My 03
- g Fla.** Nursery stock on sale to be properly named; penalty. 128, 4 Je 03
- h Id.** Regulating inspection and sale of nursery stock: creating Board of Horticultural Inspection; board to appoint state horticultural inspector; appointment of deputy inspectors; inspection and quarantine of places where fruits are grown or stored; abatement of pests; dealers to fumigate imported stock; regulations; fees; penalties. p.347, 27 F 03

- i **Me.** Providing for protection of trees and shrubs from injurious insects and diseases; nursery stock shipped into state without certificate of inspection or affidavit of fumigation to be sent back at expense of consignor; penalty for company transporting same; commissioner of agriculture to enforce act. 112, 18 Mr 03
- j **Mich.** Nursery stock infested with San José scale to be burned within 5 days after notice from state inspector of nurseries and orchards; stock likely to be infested to be fumigated with hydrocyanic gas; regulations. Amending '97 ch.137 §1-5, 8, 11. 206, 16 Je 03
- k **Minn.** Regulating inspection of nursery stock: entomologist of State Experiment Station constituted state entomologist; to inspect nursery stock, and issue certificates; on failure of owner, entomologist to destroy infested stock; costs to constitute lien; inspection certificates required for shipment into state; fees; penalties. 237, 17 Ap 03
- l **Mon.** Entomologist of State Agricultural College constituted state entomologist to investigate and regulate suppression of insect pests; annual report to governor to be published in bulletin of State Agriculture College and Experiment Station. 59, 4 Mr 03
- m **Mon.** Amending '99 p.36, '01 p.52 relating to horticulture: membership of State Board of Horticulture; to appoint *state inspector at large*; licenses required for sale of fruit trees; boxes which have contained fruit of nursery stock to be destroyed; shipments to bear inspector's certificate; fees; penalties. 109, 6 Mr 03
- n **Nev.** On petition of 20 freeholders or owners of orchards, board of county commissioners to appoint horticultural commissioner to inspect orchards and order disinfection or destruction of infested trees. 66, 13 Mr 03
- p **N. H.** Inspection of nursery stock: creating office of state nursery inspector; to inspect stock grown or sold in state and issue certificates; exemption; stock shipped into state to bear certificate of inspection; penalty. 43, 4 Mr 03
- q **N. J.** Generally amending and supplementing '98 ch.104 relative to inspection of nursery stock; inspection certificate to be attached to goods sold; nursery men to erect and operate fumigating plant subject to regulation of state entomologist; annual inspection of nurseries; examination on complaint; proceedings; appeal; fees; penalties; prosecution; \$3000 annual appropriation for purpose to Board of Agriculture. 249, 14 Ap 03
- r **N. M.** County boards of horticultural commissioners: on petition of 10 taxpayers county commissioners to appoint 3 horticulturists for term 3 years; board may divide county into districts and appoint local inspectors; inspection of orchards, nurseries, packing establishments and salesrooms; disinfection or destruction of infested trees; annual report of board to county commissioners; penalties. 107, 19 Mr 03
- s **N. Y.** Amending agricultural law '93 ch.338 §82 as to destruction of fruit trees infected with yellows or *little peach*. 20, 6 Mr 03
- t **Or.** State Board of Horticulture may appoint deputy inspectors in respective districts; \$2 a day. p.251, 24 F 03



- u **S. C.** Amending C. C. art.12 relating to State Board of Entomology and entomologist: powers of board; misdemeanor to hinder entomologist or assistant entering premises, neglect to apply treatment prescribed for plants, or sell plants or fruit trees not inspected; importation of fruit trees and shrubs. 16, 23 F 03
- v **S. D.** State Horticultural Society constituted Department of Horticulture to publish information relative to tree, fruit and flower culture; membership; organization; auxiliary societies; secretary of society to report annually to governor; 1000 copies of annual proceedings to be printed by state. 215, '03
- w **U.** Board of Horticulture to consist of 4 [formerly 3] members, appointed by governor with consent of Senate from several horticultural districts; county commissioners on petition to appoint *county boards of horticulture* [formerly county fruit inspectors]; semiannual reports by latter to board and by board to secretary of state; biennial publication by latter. Amending R. S. '98 §1168-82, '99 ch.47. 104, 12 Mr 03
- x **Va.** Amending '00 ch.572 regulating inspection of nursery stock: defining and increasing powers of state entomologist; shipments without or within state to bear inspection tag; examination of private stock on petition; appointment and pay of local inspectors; dealers to obtain certificate of registration from state auditor of public accounts; \$6000 [formerly \$1000] annual appropriation. 207, 9 My 03
- y **Wash.** Amending '97 ch.51 relating to horticulture: state commissioner to be appointed for 4 years; salary \$2000 [formerly \$1000]; commissioner may appoint deputy and clerk; county inspectors to be examined by commissioner; increase of fees and penalties; annual horticultural inspectors institute. 133, 16 Mr 03
- z **W. Va.** Regulating sale of fruit trees, vines and shrubbery: dealers to procure license from every county where traveling salesmen employed; fees; salesmen to have certificate from employer; penalties. 48, 24 F 03
- zi **W. Va.** Amending '01 ch.33 §2-4, 8 relating to state inspection of nursery stock: inspection fees no longer required; persons growing for sale to fumigate according to directions of government inspectors before delivery. 49, 21 F 03

## 1846

**Boll weevil**

- a **Tex.** Designating governor, president of Agricultural and Mechanical College and state commissioner of agriculture as a commission to pass on practical remedies for extermination of cotton boll weevil and award \$50,000 appropriated for purpose; \$2500.

53, 23 Mr 03

## 1848

**Grasshoppers. Locusts. Crickets**

- a **Minn.** County commissioners may require land so infested with eggs of grasshoppers as to endanger crops on contiguous lands to be plowed by owner or, if he refuses, by county; owner to pay cost if land has any value.

47, 10 Mr 03

## ADMINISTRATIVE LAW AGRICULTURE

1848-6

- b U. Destruction of grasshoppers, locusts and crickets: county commissioners may provide for bounty not exceeding 1c a pound and appoint receiving agent; two thirds of cost to be borne by state.

11, 17 F 03

1854

**Weeds***See also same head under Roads, 2744; Nuisances, 1089*

- a Cal. Misdemeanor for person to allow Sorghum hale-pense (or Johnson grass) to mature on his own land or to sow the seed on land of other person or public highway. 250, 20 Mr 03
- b Ill. County boards, in counties where boards of town auditors are abolished, to appoint commissioner of Canada thistles and noxious weeds; regulations. Supplementing R. S. '01 ch.18. p.87, 13 My 03

1855

**Canada thistle. Russian thistle**

- a Wy. Repealing R. S. '99 §2664-67 requiring destruction of Russian thistle. 10, 17 F 03

1856

**Noxious animals. Bounties**

- a N. M. Amending '01 ch.10 relating to bounties on wild animals: county commissioners may levy special 4 [formerly 2] mill tax on stock; application for bounty. 80, 17 Mr 03
- b Or. Repealing Ann. C. & S. §4326-33 relative to bounties for destroying wild animals. p.149, 21 F 03
- c U. Amending R. S. '98 §2089 relating to county bounties for certain animals. 7, 12 F 03
- d Wy. Repealing '01 ch.12 relating to bounties for wild animals; balances to be returned to general fund. 71, 21 F 03

1858

**Crows**

- a Minn. County commissioners may offer bounty not exceeding 10c for each crow killed between May 15 and June 15 and between Aug. 15 and Sep. 15. 377, 21 Ap 03
- b Wis. Bounty on crows 10c. 414, 21 My 03

1862

**Gophers. Prairie dogs. Ground squirrels**

- a Col. County commissioners may appropriate \$1000 annually to destroy prairie dogs. 84, 10 Ap 03
- b Kan. County commissioners of certain counties may pay bounty of 5 to 25c for destruction of gophers or gray ground squirrels. 324, 26 Mr 03
- c Kan. Township may levy tax for extermination of prairie dogs; method of extermination. 378, 7 Mr 03
- d Neb. Declaring prairie dogs a nuisance to be abated by owners of land before Nov. 1, 1903, or by overseer of highways after Nov. 1 at expense of owner. 3, 1 Ap 03
- e Tex. County may provide for extermination of prairie dogs. 52, 21 Ap 03

1864

**Hawks**

- a Wis. Bounty on hen hawks, 25c. 414, 21 My 03

1865

**Porcupines. Hedgehogs**

- a **Me.** Establishing state bounty of 25c on porcupines; proceedings. 239, 28 Mr 03
- b **N. H.** 25c bounty on hedgehogs; penalty for attempted fraud. 62, 7 Mr 03
- c **Vt.** Amending '98 ch.110 §1, 3, 6 and '00 ch.87 §2 extending provisions relating to noxious animals to hedgehogs; bounty. 108, 11 D 02

1868

**Rattlesnakes**

- a **Wis.** Counties and towns may pay bounty for rattlesnakes. 51, 6 Ap 03

1870

**Seals**

- a **Wash.** Fish commissioner to pay bounty of \$1 for common seal and \$2.50 for sea lion killed within marine league of Washington shore. 167, 16 Mr 03

1874

**Wolves. Coyotes. Lynx. Wildcat. Bears**

- a **Mass.** \$5 bounty for wildcats or Canada lynx. 344, 12 My 03
- b **Minn.** Wolf bounties: state to pay \$7.50 for full grown and \$1 for cub wolf; county commissioners may give additional awards; regulations. 113, 3 Ap 03
- c **Mon.** Amending Pen. C. §1124 and P. C. §3070-73 relating to bounties for coyotes, wolves, bears and mountain lions: appointment of county inspectors; special tax of 3½ [formerly 1½] mills on assessed value of live stock; penalties. 94, 6 Mr 03
- d **Neb.** Repealing C. S. '01 §467-70 relating to state bounties for wolves and wildcats. 2, 27 F; 4, 7 Ap 03
- e **N. D.** Amending R. C. '99 §1570a-i relative to wolf bounties: \$2.50 for wolf or coyote [formerly \$2 for wolf and \$1 for pup, exception]; special tax of 5 mill; bounties from animals killed in unorganized counties. 207, 19 Mr 03
- f **Tex.** Fixing bounties for wolves, panthers, Mexican lions, tigers, leopards, wildcats and catamounts in certain counties. 86, 31 Mr 03
- g **U.** Amending '01 ch.137 §1-6, 9 relating to bounties for coyotes, lynx, wildcats, wolves, mountain lions and bears; annual appropriation of \$10,000; regulations. 48, 10 Mr 03
- h **Wy.** Amending '01 ch.12 increasing state bounties on coyotes, gray or black wolves and mountain lions; proof may be made before notary public. 43, 19 F 03

1875

**Domestic animals**

*See also* Racing, 891; Cruelty, 895; Milk and milk products, 960; Communicable diseases of animals, 1143; Veterinary practice, 1588; Killing stock by railroads, 1311

- a **Col.** General stock law: regulating sale of stock; marks and brands; prescribing sanitary and quarantine regulations; abolishing Veterinary Sanitary Board created by '85 p.343; reorganizing Board of Stock Inspection Commissioners; brand inspection fees; shipping certificates; estrays; penalties. Repealing Sup. '96 §4292, 4296.

170, 6 Ap 03

## ADMINISTRATIVE LAW AGRICULTURE

1875-7

- b **Mon.** Amending P. C. §2956-57, 2990 and repealing §2958 relating to Board of Stock Commissioners: auditing of bills; description of estrays sold to be published annually; board may receive donations from live stock associations. 50, 3 Mr 03

1876 **Running. Impounding. Fences**1877 **Running at large**

- a **Ga.** Prohibiting hogs from running at large in certain counties; referendum. p.97, 15 Ag 03
- b **Mon.** Fine of \$25 to \$500 and costs for driving herd of live stock over land held under laws of United States or leased from state, proviso. 103, 6 Mr 03
- c **Mo.** Prohibiting bringing cattle across state or county lines or from one range to another to graze on unclosed lands of state; penalty; proviso. Repealing R. S. '99 §5223-30. p.57, 26 Mr 03
- d **Nev.** Forbidding owner of sheep to herd on land or possessory claims or within 1 mile of ranch-house of other person. 28, 5 Mr 03
- e **Okl.** General herd law. 16p. Repealing S. '03 §45-75. 1 art.1, 27 F 03
- f **S. C.** Driving live stock into state to graze at large in marsh, forest lands or range prohibited; penalty. 81, 16 F 03
- g **Tex.** Amending 'or ch.24 authorizing elections in certain counties to determine whether stock shall be allowed to run at large. 71, 21 Ap 03
- h **Wis.** Amending S. '98 §1482 as to obnoxious animals running at large: owner liable, though animal escapes from inclosure without his fault. 14, 16 Mr 03

1879 **Estrays. Damages. Trespass**

- a **Col.** Estrays: description to be sent to *Board of Stock Inspection Commissioners* [formerly county clerk]; procedure; ownership may be proved within 3 years; penalties for failure to notify commissioners. Repealing Ann. S. '91 §1742-43. 105, 11 Ap 03
- b **Fla.** Penalty, for injuring animals in expelling from premises, 6 [formerly 12] months' imprisonment. Amending R. S. '92 §2506. 53, '03
- c **Ind.** Amending R. S. §1360, 1362-63, 1365, 1370 and adding §1372 relating to estrays: limiting charge for care; owner may claim within 90 days [formerly 2 months]; brand for estrays sold; misdemeanor to use estray; penalty for fraudulently claiming title. Repealing R. S. §1364. p.212, 10 Mr 03
- d **Me.** Amending R. S. '83 ch.98 §10-14 as to duties of finder of stray beasts; proceedings for recovery. 36, 4 Mr 03
- e **Mon.** Misdemeanor to use, and grand larceny to sell estray. 19, 24 F 03
- f **N. M.** Procedure in appraisement of damages to fields and fenced land by domestic animals. 73, 17 Mr 03

179-83

## N. Y. STATE LIBRARY SUMMARY OF LEGISLATION 1903

- g N. D. Person taking up estray to give notice by publication and file description with county auditor within 15 [formerly 10] days. Amending R. C. '99 §1572. 96, 10 Mr 03
- h N. D. Estray valued at less than \$25 [formerly \$50] to become property of possessor after 1 year; sale of more valuable estrays; person taking up estray may recover cost of care *unless he has made it perform labor*. Amending R. C. '99 §1576, 1578, 1580. 97, 28 F 03
- i S. D. Secretary of State Brand and Mark Committee to forward to owner of trespassing animals notification of damages; fees. Amending C. C. P. '03 §819. 10, 13 Mr 03
- j S. D. Generally amending P. C. '03 §2960-68 defining procedure relative to estray; publication; appraisal; disposition of proceeds. 138, 12 Mr 03
- k S. D. Misdemeanor to appropriate live stock on open range. 175, 10 Mr 03
- l U. Amending R. S. '98 §13 defining estrays. 68, 12 Mr 03
- 1880 Impounding
- a Me. Repealing R. S. '83 ch.23, except §4, relating to pounds and impounding. 40, 4 Mr 03
- b N. M. Amending '01 ch.47 §7 relating to impounding domestic animals found in parks or *thoroughfares* in unincorporated county seats over 3000. 25, 10 Mr 03
- c U. Poundkeeper to advertise sale of trespassing animal in *newspaper published in county* and by posting notices. Amending R. S. '98 §25. 23, 26 F 03
- 1882 Ownership. Sale. Miscellaneous
- 1883 Branding
- a Ari. Amending R. S. '01 §2975-3051 regulating inspection of live stock; board to protect stock interests from theft, and *public from unwholesome meat products*; live stock and slaughterhouse inspectors; seizure of unbranded cattle; procedure; *tax on brands*; disposition of fund. 26, 17 Mr 03
- b Col. Amending '99 ch.142 relative to branding of stock: sale of forfeited brand; secretary of state *on request of Board of Stock Inspection Commissioners to publish annual supplement to state brand book*; distribution; advertisement of new brands. 169, 11 Ap 03
- c Fla. County commissioners may, or on petition of majority of stock owners shall divide county into cattle districts and appoint 2 inspectors for each; powers; duties and fees; inspection of hides and marks; shipments to bear inspector's certificate; penalties. 129, 4 Ja 03
- d Mon. Penalty for branding horses, cattle or *other animals* with device which can be used to obliterate brand. Amending Pen. C. §1190. 125, 7 Mr 03
- e Neb. Providing for sale of marks and brands of live stock. Amending C. S. '01 §3635. 58, 8 Ap 03
- f Okl. Providing for cancelation of discontinued stock brands; procedure. Supplementing S. '03 §92-107. 1 art.2, 6 Mr 03

U. Amending '01 ch.64 as to preparation and sale of lists of brands and marks. 22, 26 F 03

**Stealing. Driving. Using**

Fla. Prohibiting cutting ears or head from domestic animal before dressing; penalty. 52, 5 Je 03

Or. Owners and managers of stock yards to keep public record of brands of horses and cattle shipped through same; penalty.

p.110, 17 F 03

Or. Persons slaughtering cattle to keep a record and preserve hides; regulations; penalties. p.293, 24 F 03

S. D. Prohibiting shipment of branded horses out of county without inspection certificate; sheriffs constituted county horse inspectors; regulations; fees; county auditor to publish monthly report of shipments. 153, '03

Tenn. Requiring retail dealer purchasing hides from unknown party to keep record of transaction; fine. 61, 11 F 03

Wy. Amending R. S. '99 §2009 requiring exhibition of hides of slaughtered cattle by all persons other than butchers. 86, 23 F 03

**Prevention of injury to stock**

Cal. Amending C. C. §3341 relating to injury of sheep, goats and poultry by dogs or other animals. 51, 27 F 03

Ct. Amending G. S. '02 §4478 as to damage by dogs to Angora goats and kids. 86, 11 My 03

Fla. Misdemeanor to allow at large dogs that injure sheep.

161, '03

Mass. Amending R. L. ch.102 §152 relating to damages for injuries by dogs to domestic animals. 100, 25 F 03

Mon. Felony maliciously to kill, maim, poison or attempt to poison live stock. 37, 27 F 03

Mon. Misdemeanor to allow dog to chase live stock on open range or on government land or away from watering place on range.

110, 6 Mr 03

Pa. Misdemeanor maliciously to injure domestic animal of another person; proviso. Amending P. & L. Digest '94 p.1134.

229, 24 Ap 03

**Watering stock**

S. D. Watering places may be provided by *supervisors* [formerly state engineer] in townships having public artesian well; misdemeanor for owners of stock kept outside township to use watering place without permit. Amending P. C. '03 §2716. 226, 10 Mr 03

**Dogs**

*See also Rabies, 1163*

Ct. Increasing penalty for theft or injury of registered dog or dog under 6 months. Amending G. S. '02 §4481. 6, 18 Mr 03

Me. Owners of dogs to procure license 10 days after possession. Amending '93 ch.287 §2. 103, 18 Mr 03

- c Me. Amending R. S. '83 ch.30 §1, ch.31 §3, 4, '95 ch.115 relating to vicious dogs: maximum penalty \$10 [formerly \$5] for not confining or removing or killing dog after notice. 109, 18 Mr 03
- d Nev. Misdemeanor to poison dogs; penalty, \$200 to \$500 for 1 or 2 to 6 months' imprisonment. 24, 5 Mr 03
- e N. H. Amending '91 ch.60 §3 as to license for spayed female dog; owner to show certificate. 109, 1 Ap 03
- f Tenn. Amending '01 ch.193 withdrawing privilege of registering dog to run at large. 419, 15 Ap 03
- g Vt. On request of 3 legal voters, local governing board to investigate and order vicious dog to be kept chained or muzzled; fine. 121, 21 N 03
- h Va. Repealing C. §499-501, '00 ch.1135 and amending '02 chapter relating to dog tax: licensed dog to be deemed personal property; unlicensed dogs to be killed; procedure; county supervisors [formerly inspectors appointed by justice of peace] to allow damages for injured stock; general law to become operative on repeal of local dog tax law. 65, 12 F; 208, 9 My 03
- i Wis. Amending S. '98 §1619 authorizing killing of dogs in certain cases. 328, 20 My 03

1890

## Forestry

See also Arbor day, 1908; Trees (roads), 9748

1891

## General Supervision

- a Cal. State Board of Examiners to enter into arrangements with director of United States Geological Survey, chief of Bureau of Forestry and director of office of Experiment Station of Department of Agriculture for study of forest resources, water supply and best methods of irrigation; cooperation of surveyor general and Board of Public Works; \$60,000. 155, 16 Mr 03
- b Ind. Amending '01 ch.49 §1, 6 relative to Board of Forestry: composition of board; salary of secretary \$1800 [formerly \$1200]; costs of publication. 44, 28 F 03
- c Mich. Defining powers of Forestry Commission: to determine lands to be withdrawn for reserves; to provide for reforestation; to maintain system of fire patrol in forestry reserve; authorized to lease or sell lands and timber; assessment of lands; exceptions; \$7500 annual appropriation. 175, 4 Je 03
- d Nev. Misdemeanor to sell wood from pine, fir, tamarack, spruce or cedar trees less than 1 foot in diameter. 93, 16 Mr 03
- e N. H. State Forestry Commission with approval of governor and Council to procure examination of forest lands of White mountain region by United States Bureau of Forestry; report of bureau to Legislature of 1905; \$5000. 139, 24 F 03
- f Pa. Governor may appoint deputy commissioner of forestry and additional clerk; salaries. 59, 25 Mr 03
- g Tenn. Governor to appoint 3 commissioners to investigate forest resources and report to Legislature of 1905. p.1633, 10 Ap 03

**Bounty. Exemption**

- 1 **Minn.** Bounty for keeping in thrifty condition 1 to 10 acres of trees planted 12 [formerly 8] feet apart on prairie land. Amending S. '94 §7859. 230, 14 Ap 03
- 2 **N. H.** Encouraging planting of forests: landowners planting timber trees, 1200 to acre, to receive rebate on land tax, 90% for 1st period of 10 years, 80% for 2d and 50% for 3d period; regulations; Forestry Commission may contract for seedlings. 124, 2 Ap 03

**Forest fires**

- 3 **Col.** Sheriffs to act as county fire wardens. 83, 11 Ap 03
- 4 **Me.** Forest commissioner to provide for extinguishing of fires in unorganized townships; appointment of *fire wardens* by forest commissioner [formerly by county commissioners]; salary of former \$400 [formerly \$200]. Amending '91 ch.100 §1, 4. 168, 26 Mr 03
- 5 **Mich.** Providing forest fire patrol for state: appointment of chief fire warden, local and temporary wardens; compensation, powers and duties; setting of fires; spark arresters; penalties. 249, 18 Je 03
- 6 **Minn.** Amending '95 ch.196 relative to prevention of forest and prairie fires: duties and compensation of fire wardens; state to pay *two thirds* [formerly one third] of expenses incurred by county; itemized accounts to be audited within 90 days; chief fire warden to prosecute on neglect of local officials. 363, 21 Ap 03
- 7 **N. Y.** Land may not be cleared by fire in certain counties from Ap. 1 to May 31 [formerly June 10] or from Sep. 16 [formerly 1] to Nov. 10; permission of fire warden or district fire warden required from June 1 [formerly 11] to Sep. 15 [formerly Aug. 31]. Amending forest, fish and game law '00 ch.20 §229. 186, 15 Ap 03
- 8 **N. Y.** Town supervisor to act as fire warden in towns having part of forest reserve if no one willing to take office can be found. Amending forest, fish and game law '00 ch.20 §225. 442, 7 My 03
- 9 **Or.** Sheriffs and deputies of counties and constables of precincts and districts to be ex officio fire wardens. p.140, 19 F 03
- 10 **Wash.** Forest fires: county commissioners constituted deputy forest fire wardens; may appoint deputies; state land commissioners to be forest patrolmen at large; timber cruisers etc. may be appointed special forest patrolmen by state forest fire warden; boards of deputy forest fire wardens to fix close season for burning, slashing or chopping without permission; penalty. 114, 16 Mr 03

**Forest preserves**

*See also State parks, 798*

- 1 **Cal.** Requesting boards of supervisors and district attorneys of counties affected by creation of certain United States forest reserves to compile data showing injurious effects of such reserves. r.16, 12 F 03



- b **Ct.** State forester may thin out woodland in state forest and sell timber; cost of planting land with seed or seedlings. Amending G. S. '02 §4449. 132, 3 Je 03
- c **Ind.** State Board of Forestry to purchase 2000 acres for a state forest reservation, laboratory of forestry demonstration and nurseries. 60, 3 Mr 03
- d **Me.** Consenting to acquisition by United States of lands for national forest preserve; state to retain concurrent jurisdiction; powers of Congress. r.102, 28 Mr 03
- e **Mich.** Setting aside certain lands as forestry reserve; restoring other lands for sale and homestead entry. Repealing '01 p.403. 175 §1, 7, 4 Je 03
- f **Minn.** State Forestry Board may purchase land at \$2.50 an acre, not exceeding in area one eighth of any congressional township; one-fourth of net forest revenue to accrue to respective towns. 134, 8 Ap 03
- g **N. H.** State Forestry Commission to make regulations for protection of state parks; penalties. Supplementing '93 ch.44 §4. 25, 24 F 03
- h **Pa.** Employees of commissioner of forestry to have same power on State Forest Reservation as peace officers and may arrest without warrant persons violating forest, fish or game laws. 29, 11 Mr 03
- i **Pa.** Commissioner of forestry and Forestry Reservation Commission may permit railway companies to operate lines along highways within or bordering on forest reservations. 144, 15 Ap 03
- j **Pa.** Forest Reservation Commission may not spend over \$300,000 annually in purchase of lands; proceeds of lands held as special fund for improvement and purchase of land. 146, 15 Ap 03
- k **U.** Requesting United States secretary of interior to restore to public domain for occupancy certain lands withdrawn for forest reserves. p.204, 12 Mr 03
- l **Wis.** Providing for formation and supervision of state forest reserve: creating Board of State Forest Commissioners; prohibiting further sale of public lands; exceptions; experiment stations to be established on state reserve. Amending S. '98 §207-10. 450, 22 My 03

1895

**School of forestry**

*See 2347*

1896

**Lumber**

- a **Fla.** Amending R. S. '92 §2022-23, 2025, 2029 relative to public custodians of timber and lumber; to be appointed for each port wherefrom 50 vessels of 500 [formerly 200] tons burden have cleared within a year; disposition of proceeds on sale of lost timber; penalty for illegal recovery. 66, '03
- 1897 **Brands. Drift timber. Stealing**
  - a **N. C.** Misdemeanor to change or destroy lumberman's brand on logs, timber, *lumber or boards*. Amending '89 ch.142. 41, 27 Ja 03

## ADMINISTRATIVE LAW GAME AND FISH

1897-1

- b **N. C.** Misdemeanor to use or destroy trademark of timber dealers; penalties. 261, 28 F 03
- c **Tenn.** Amending '01 ch.29 regulating taking up and disposition of drift timber. 137, 23 Mr 03
- 1898 **Measurement. Grading**  
*See* Weights and measures, 1424
  - a **Id.** Regulating measurement of lumber: state inspector to be appointed for each of 5 lumber districts; to make bills stating measurement of lumber on request of owner; standard rule for scaling; recording of lumber; filing of marks; liens and bills of sale; disposition of unmarked logs; fees. 89, 10 Mr 03
  - b **Minn.** On request surveyor general of logs and lumber or deputy to survey cedar posts, farm poles and cedar electric light, telegraph or telephone poles; regulations; compensation. 346, 21 Ap 03
- 1899 **Transportation**
  - a **Or.** Authorizing use of unnavigable streams as highways for logging. p.266, 27 F 01. *Unconstitutional.* Title too comprehensive. *Spaulding Logging Co. v. Independence Imp. Co.*, 71 P. 132.
  - b **Or.** County courts to locate flume ways for floating wood and provide for construction of same. p.19, 10 F 03
  - c **Vt.** Selectmen to decide as to right to anchor booms in rivers and streams, on failure of person to make agreement with adjoining property owner. 66, 12 D 02
  - d **Wis.** Amending S. '98 §1299i relating to temporary logging highways. 23, 24 Mr 03
  - e **Wy.** Amending '01 ch.89 regulating timber driving; state engineer to issue licenses therefor. 16, 17 F 03

1900

## Game and fish

1901

## General

1902

## General

- a **Ari.** Generally amending game and fish law; open season for bucks and wild turkey, *Sep. 15* [formerly Nov. 15] to Dec. 15. Amending R. S. '01 §574, 577, 579-83, 585-86, 589. 43, 18 Mr 03
- b **Ark.** Close season for certain kinds of game; prohibiting hunting by nonresidents and exportation; regulating hunting by night; sheriffs and deputies created game wardens; penalties. 162, 24 Ap 03
- c **Cal.** Preservation of fish: close season for certain kinds of fish, lobsters, crabs, shrimp etc.; use of screens to prevent fish from entering ditches or canals; penalty for use of explosives and pollution of water; fish ladders. Amending Pen. C. §628-29, 632, 635, 637. 22, 12 F 03
- d **Col.** Generally amending game and fish law of '99 ch.98; hunting, guide and taxidermist licenses; domestic certificates. Adding divisions G-K. 112, 13 Ap 03

- e Fla. Open season for deer, quail, partridge and turkey Nov. 1 to Feb. 1 [formerly Mar. 1]; unlawful to trap, sell or ship live birds in county; day's catch limited; nonresidents to secure license; penalties. 146, 20 Mr 03
- f Ga. Revision of game and fish laws; judge of Superior Court to appoint 50 freeholders of county to appoint game warden in each county; latter to appoint deputies in each militia district of county; powers, duties and fees; violation of law indictable offense; penalties. p.100, 17 Apr 03
- g Id. Revision of fish and game law, '99 p.428. p.188, 11 Mr 03
- h Ill. Miscellaneous amendments to '97 p.224 relating to protection of fish. p.202, 13 Mr 03
- i Ill. Revision of game law. 10p. p.206, 28 Apr 03
- j Ind. Amending game law '01 ch.203: transportation out of state of grouse, pheasant etc.; close season for squirrel; hunting permits; hunting with ferrets. 215, 9 Mr 03
- k Me. Amending R. S. '83 ch.30, '99 ch.42, '01 ch.222, 278 relating to taking of game: \$100 fine and costs for hunting moose with dog after notice; registered guide to conduct at same time but 5 nonresidents in hunting. 225, 28 Mr 03
- l Mass. Repealing R. L. ch.56 §5 relating to returns of fish inspected by inspector general. 196, 6 Apr 03
- m Mich. Amending C. L. '97 §5861, 5866-68 regulating the catching of certain fish; limitation of day's catch; close season for Loch Leven and steelhead trout from Sep. 1 to May 1, for sturgeon from Mar. 1 to July 1. 63, 29 Apr 03
- n Minn. Revision of game and fish law of '97 ch.221. 36p. 336, 21 Apr 03
- p Mon. Amending Pen. C. t.15 ch.1 relative to game and fish: licenses for nonresidents, guides and taxidermists; transportation of game; penalties. 11, 21 F 03
- q Mon. Amending '01 p.130 §6, 12, 14 relating to game and fish fund and to compensation of game and fish warden and special deputies. 38, 28 F 03
- r Mon. Miscellaneous amendments to '97 p.249 relating to game and fish. 58, 4 Mr 03
- s Nev. Protection of fish: \$250 to \$500 fine for pollution of water, except in connection with mining; fish ladders; close season for trout, salmon, whitefish and bass, Nov. 1 to Mar. 15; transportation; prohibiting use of net, fixed line or explosive; penalties. 86, 14 Mr 03
- t Nev. Salary of county fish and game warden not to exceed \$20 a month. Amending '01 ch.48 §4. 98, 16 Mr 03
- u Nev. Game laws: unlawful to kill plume or song birds; close season for game birds; close season for deer and antelope; unlawful to kill female deer, antelope or spotted fawn; use of hounds prohibited; penalties; misdemeanor to ship game out of state; limitation on hunting and selling game. 105, 16 Mr 03

## ADMINISTRATIVE LAW GAME AND FISH

190:

- v **N. H.** Fish and game commissioners to issue pamphlet edition of fish and game laws at close of each session of Legislature; 10,000 copies. Supplementing '01 ch.79 §10. 77, 19 Mr 03
- v **N. J.** Legislatures of New Jersey and Delaware to appoint joint commission of 6 members to draft uniform laws to regulate fishing in Delaware river; report in 2 years to Legislatures. 243, art.4, 8 Ap 03
- x **N. J.** Revision of fish and game law. 11p. 246, 14 Ap 03
- 1 **N. J.** Minor amendment to '02 ch.103 protecting food fish; menhaden excepted. 250, 14 Ap 03
- 2 **N. M.** Revising fish and game law: creating office of state game and fish warden, and providing for appointment of deputies in several counties. Amending '99 ch.51. 48, 12 Mr 03
- 3 **N. Y.** Nonresident may take fish *by spearing* or take game on payment of fee not less than is required in his state from resident of New York; forbidding interference with clam beds. Amending forest, fish and game law, '00 ch.20 §89, 124. 475, 7 My 03
- 4 **N. D.** Amending R. C. '99 §1642, 1644-47, 7678, 7683a-d, 7683f as to state game warden; office abolished and powers and duties transferred to 2 district game wardens; county deputies; powers and duties; permits; fees; penalties. 103, 4 Mr 03
- 5 **Okla.** Prohibiting sale or transportation of certain game, or shooting of same on public highways without consent of adjacent owner; duties of local game officers; regulations; penalties. 15, 18 Mr 03
- 6 **Pa.** Board of Game Commissioners to appoint deputy game protector in each county; powers and duties; compensation. 121, 11 Ap 03
- 7 **S. D.** Amending P. C. '03 §3054 subdiv.8 relating to protection of game: penalties. 148, 9 Mr 03
- 8 **S. D.** Amending P. C. '03 §3055-56 restricting hunting and shipment of certain game; penalties. 150, '03
- y **Tenn.** Game law: game declared to be property of state; creating state game warden and county deputy wardens; powers and duties; designating game to be protected; open season; sale, shipment and transportation; licenses for nonresidents, market hunters and collectors; penalties; state and deputy wardens to enforce also law of '03 ch.118 protecting nongame birds. 169, 3 Ap 03
- 1 **Tex.** Minor amendment to '01 (1st ex. sess.) ch.17 relating to protection of fish. 119, 1 Ap 03
- 2 **Tex.** General law for protection of wild game and birds. 137, 1 Ap 03
- 3 **U.** Amending '99 ch.26, '01 ch.133 relative to certain kinds of fish and game: close season; sale; exportation; nonresidents to procure gun license. 116, 17 Mr 03
- 4 **Va.** Nonresidents prohibited from bluefishing; residents prohibited from using vessel of nonresident for bluefishing; penalties; exception; residents to obtain annual license from county oyster inspector; fees; enforcement. 203, 5 My 03

N. Y. STATE LIBRARY SUMMARY OF LEGISLATION 1903

- y5 Va. Generally amending C. ch.95 and adding §2070a-c relating to preservation of game. Repealing C. §2075-77, 2081-82, '96 ch.148  
227, 14 My 03
- y6 Wash. Game law: close season; limiting number to be killed; prohibiting sale of certain game animals and birds; prohibiting killing spotted fawn or female elk, moose, antelope, mountain sheep or mountain goat. Amending Ann. C. & S. '97 §7345-59. 71, 12 Mr 03
- y7 W. Va. Amending C. ch.62 §1, 10, 11, 17 repealing §18 relative to protection of game: no person to kill more than 2 deer in season; close season for wild turkey, Dec. 15 to Oct. 15, for squirrel, rabbit or hare Jan. 1 to Sep. 15; nonresidents to procure hunters license from *state game warden* [formerly clerk of county court]; fee \$15 [formerly \$25]. 46, 27 F 03
- y8 W. Va. Amending C. ch.62 §6 relating to protection of fish and use of fish pots and seines; penalty. 47, 27 F 03
- 2 Wis. Revision of fish and game law. 11p. 437, 22 My 03
- 21 Wy. Generally amending game law R. S. '99 §2101-26. 44, 19 F 03

1903 State boards. Officers

- a Ill. Amending '97 p.224 §4 whereby governor on request of Board of Fish Commissioners may appoint 5 fish wardens at \$900 salary [formerly wardens so appointed were granted only fee allowance]. p.202 §4, 13 My 03
- b Ill. Amending '99 p.222 relating to game wardens: state game commissioner with approval of governor to appoint 10 wardens [formerly 1 from each congressional district]; deputy wardens of counties and game wardens to report to *commissioner* [formerly to governor]. p.206 §16, '03
- c Mass. Annual report of Board of Commissioners on Fisheries and Game to be submitted by Jan. 15, covering entire preceding year. 291, 30 Ap 03
- d Mich. Salary of state superintendent of fisheries. \$2000 [formerly \$1500] Amending C. L. '97 §5834. 157, 27 My 03
- e N. H. Chairman of Board of Fish and Game Commissioners to receive salary \$1000, other two members. \$800. Amending '01 ch.79 §11. 11, 10 F 03
- f Or. Sheriffs and deputies of counties and constables of precincts and districts to be ex officio game and fish wardens; right of search, examination and seizure; concurrent jurisdiction in own county. p.140, 19 F 03
- g Pa. Establishing Department of Fisheries: state commissioner of fisheries and 4 other members to constitute Fisheries Commission; to be appointed by governor with consent of Senate for 4 years; commissioner to be executive officer, with salary \$3000; to serve also as superintendent of state fish hatcheries; [replacing Board of Fish Commissioners created by '01 ch.203]. 92, 2 Ap 03
- h Wis. Salary and expenses of state fish and game warden to be paid from hunting license fund. Amending '01 ch.408 §1. 410, 21 My 03

## ADMINISTRATIVE LAW GAME AND FISH

1903-

- i Wy.** Amending R. S. '99 §2101-3 increasing salaries of assistant and special game wardens; salary of state game warden, \$1500 [formerly \$1200]. 44, 19 F 03

1904

**Enforcement. Fines**

- a Cal.** Amending '87 ch.9 relating to prosecutions for violation of fish laws. 17, 12 F 03
- b Ct.** County fish and game wardens on order from state commissioners of fisheries and game may investigate violation of fish and game laws. 101, 15 My 03
- c N. H.** Fine for interfering with screens placed in public waters by fish and game commissioners. Amending '01 ch.79 §14. 97, 31 Mr 03
- d N. Y.** Person called for state in criminal proceedings under forest, fish and game law may not be indicted for offense respecting which he has testified. Amending '00 ch.20 §193. 353, 6 My 03
- e Pa.** County liable for costs of record when officer enforcing game laws fails for legal cause to recover costs. 155, 16 Ap 03
- f S. D.** Amending P. C. '03 §3108 fixing penalty for violating game and fish laws. 146, 11 Mr 03

1906

**Hunters license**

- a Me.** Nonresidents may procure license to hunt moose and deer; disposition of fees; coupons for shipment to be attached to license; detached coupons to be forwarded by transportation company to commissioner; penalty. 99, 18 Mr 03
- b N. H.** Fish and game commissioners may issue licenses to nonresidents for hunting deer; annual renewal; fees; penalties. 87, 24 Mr 03
- c Pa.** Misdemeanor for nonresident or *unnaturalized foreign-born residents* to hunt without license. Amending '01 ch.67. 136, 14 Ap 03
- d Va.** Amending C. §2070c, '03 ch.227 prohibiting nonresident to hunt without a license *except as a guest accompanied by host*; license to cover wild waterfowl and deer [formerly \$50 additional fee required]. 286, 20 My 03
- e Wash.** Amending '01 ch.134 §9 requiring hunters to procure licenses. 94, 14 Mr 03

1907

**Shipment and sale. Purpose of taking. Amount**

- a Ark.** Prohibiting export of game, and sale of any except bear, rabbit and squirrel. 117, 6 Ap 03
- b N. Y.** Grouse and woodcock taken in New York state may not be sold in state or carried out of state. Adding §27 to forest, fish and game law '00 ch.20. 291, 27 Ap 03
- c N. Y.** Amending forest, fish and game law '00 ch.20 §39 as to penalty for unlawfully transporting birds. 533, 9 My 03
- d S. C.** Penalty for selling or shipping partridge, quail, deer or wild turkey before February 1906; possession of partridge or quail sold or shipped to be prima facie evidence of violation of law. Amending Crim. C. §552. 75, 23 F 03

- e **Vt.** Nonresidents prohibited from killing or possessing game birds having close season, except for consumption in state; no one to take more than 5 gray squirrels in a day; penalty. 106, 21 N 02
  - f **Wis.** State fish and game warden may issue permit to transport game birds for propagating purposes; proviso. 53, 6 Ap 03
  - g **Wis.** Prohibiting sale of venison, aquatic birds and woodcock, partridge, prairie chicken, grouse, pheasant, quail, plover, snipe; penalties. 449 §1, 22 My 03
- 1908 **Trespass. Private lands. State waters**
- a **Ga.** Misdemeanor to hunt or *fish* on private property after legal notice; registration of posted lands; regulations. Amending Pen. C. §221. p.44, 15 Ag 03
  - b **Id.** Person hunting on cultivated or inclosed land without permission to be liable for damages; misdemeanor to injure live stock. p.105, 3 Mr 03
  - c **Mon.** Misdemeanor to hunt or fish on inclosed land in defiance of notice forbidding trespass. Adding subdiv.7 to Crim. C. §1054. 64, 5 Mr 03
  - d **Nev.** Penalty for hunting within inclosures where signs are displayed or destroying such signs. 90, 16 Mr 03
  - e **N. J.** Prohibiting hunting *with gun* on private grounds without consent of owner. Amending '98 ch.215 §1. 176, 8 Ap 03
  - f **Tex.** Fine of \$10 [formerly \$5] for hunting or fishing within inclosed land without consent *unless inclosure includes 2000 acres*. Amending Pen. C. art.804. 103, 2 Ap 03
  - g **Vt.** Amending S. '94 §4596-97 increasing penalties for unlawful fishing in private preserves. 91, 10 D 02

1909

**Game***See also* Noxious animals, 1856

1911

**Close season**

- a **Cal.** Amending Pen. C. §626, 626a changing close season for quail, dove, wild duck, etc.; misdemeanor to possess pelt of *male or female deer killed in state*. 4, 2 F 03
- b **N. J.** Dogs may not run at large in fields inhabited by rabbits or game birds *from Nov. 1 to Mar. 1* [formerly during close season of hare and rabbits]. Amending '01 ch.120 §12. 147, 8 Ap 03

1913

**Big game**

- a **S. D.** Open season for buffalo, elk, deer and mountain sheep Nov. 15 to Dec. 15 [formerly Nov. 1 to Jan. 1]. Amending P. C. '03 §3083. 149, 3 Mr 03

1915

**Antelope**

- a **Kan.** Prohibiting killing of antelope for 5 years; penalties. 320, 6 Mr 03

1919

**Deer**

- a **Cal.** Close season for deer, Nov. 1 to July 15 [formerly Oct. 1 to Aug. 15]; misdemeanor to possess deer pelts *unless killed in foreign country*. Amending Pen. C. §626f, h. 4, 2 F 03

## ADMINISTRATIVE LAW GAME AND FISH

1919-4

- b **Mass.** Misdemeanor to take deer till November 1908 [formerly 1903]; *deer may be driven from cultivated ground*. Amending R. L. ch.92 §17. 245, 16 Ap 03
- c **Mass.** County commissioners to allow bills for damages by wild deer; provision for appraisement. 407, 2 Je 03

## 1927 Small game

## 1929 Beaver

- a **Pa.** Prohibiting killing of beaver; game wardens to enforce law. 34, 17 Mr 03

## 1939 Rabbits and squirrels

- a **Ct.** Penalty for hunting gray squirrel in city or borough. 61, 6 My 03
- b **Me.** Close season for wild hare and rabbit Ap. 1 to Sep. 1; hunting or killing prohibited except with guns. 213, 28 Mr 03
- c **N. Y.** Close season for black and gray squirrels from Dec. 1 [formerly 16] to Sep. 15. Amending forest, fish and game law '00 ch.20 §12. 80, 25 Mr 03

## 1941 Skunk

- a **W. Va.** Prohibiting destruction of skunks except in defense of property; referendum to voters of county; penalty. Adding §20 to C. ch.62. 44, 26 F 03

## 1943 Birds

## 1944 General

- a **Ct.** Amending G. S. '02 §3137 prohibiting trapping birds with scented bait. 56, 29 Ap 03
- b **N. Y.** Minor amendment to '00 ch.20 §33 relating to taking birds for which there is no open season. 443, 7 My 03

## 1945 State supervision

- a **R. I.** State commissioners of birds may appoint *any number of* deputies [formerly but 5 in a county]. Amending '99 ch.678 §3. 1098, 16 Ap 03

## 1946 Game birds

## 1947 General

## 1948 Close season

- a **Kan.** Amending '01 ch.223 §1 relating to close season for certain birds. 321, 10 Mr 03
- b **Me.** Amending R. S. '83 ch.30 §11, '99 ch.42, '01 ch.258 relating to close season for game birds: close season for duck Mar. 15 to Sep. 15; no open season for quail [formerly Oct. 1 to Dec. 1]. 229, 28 Mr 03

## 1949 Anatidae

Waterfowl: swan, goose, duck, brant

- a **Ct.** Amending G. S. '02 §3120-21 relating to taking of web-footed wild fowl: close season *May 1* [formerly Ap. 1] to Aug. 31. 30, 9 Ap 03



- b **N. Y.** Amending forest, fish and game law '00 ch.20, 103 relative to close season for ducks, geese, brant and swan. 256, 24 Ap 03
- c **Wis.** Open season for spring shooting of aquatic birds Ap. 10 to 25; swan, teal, mallard and wood duck excepted. Amending S. '98 §4563. 449, 22 My 03

1950 Gallinae

Black game, capercaillie, grouse, partridge or ruffed grouse, pheasant, prairie chicken, ptarmigan, quail, sage fowl, wild turkey

- a **Ark.** Prohibiting killing or transportation of English or Chinese pheasants for 10 years; penalty. 77, 14 Mr 03
- b **Ark.** Prohibiting certain devices in catching wild turkeys. 94, 20 Mr 03
- c **Ct.** Prohibiting sale of quail or partridge before Oct. 1, 1907 [formerly May 21, 1903]. Amending G. S. '02 §3135. 52, 29 Ap 03
- d **Kan.** Prohibiting killing of Mongolian or Chinese pheasant for 4 years; penalties. 323, 25 F 03
- e **Mass.** Removing time limit on prohibition of purchase or sale of ruffed grouse. Amending R. L. ch.92 §2. 206, 9 Ap 03
- f **N. Y.** No open season for Mongolian and English pheasants before 1905. Amending forest, fish and game law '00 ch.20 §31. 78, 25 Mr 03
- g **N. Y.** Close season for quail Dec. 1 [formerly 16] to Oct. 31. Amending forest, fish and game law '00 ch.20 §22. 279, 24 Ap 03
- h **Vt.** Amending S. '94 §4612, '98 ch.105 prohibiting hunting pheasants and English partridge with dog. 107, 9 D 02

1952 Shore birds

Woodcock, plover, snipe, sandpiper, curlew

- a **Ct.** Woodcock not to be sold till Oct. 1, 1907 [formerly May 21, 1903]. Amending G. S. '02 §3135. 52, 29 Ap 03
- b **Ct.** Close season for Wilson's snipe, called English snipe, and bay snipe, May 1 to July 1 [formerly Ap. 1 to Aug. 1]. Amending G. S. '02 §3126. 114, 15 My 03
- c **Mass.** Close season for shore birds from Mar. 1 [formerly May 1] to July 15. Amending R. L. ch.92 §5. 162, 18 Mr 03
- d **Mass.** Removing time limit on prohibition of purchase or sale of woodcock. Amending R. L. ch.92 §2. 206, 9 Ap 03

1953 Other than game birds. Song and insectivorous. Plume

See also Arbor and Bird day, 2090

- a **Col.** Misdemeanor to kill, catch, buy or sell wild birds other than game birds, or to take or destroy nests or eggs; scientific permit to collect birds granted by state game and fish commissioner. 111, 11 Ap 03
- b **Ga.** Protecting wild birds other than game birds, also their nests and eggs; license to collect; wardens of several counties to enforce; penalties. p.98, 15 Ag 03
- c **Mass.** Amending R. L. ch.92 §7 relative to protection of song and insectivorous birds: \$10 fine for each bird killed or nest destroyed. 287, 30 Ap 03

- d Mass.** Amending R. L. ch.92 §8 relating to penalty for possession of feathers or bodies of certain birds. 329, 7 My 03
  - e Or.** Unlawful to catch, kill or have in possession certain non-game birds, or to take or destroy their nests or eggs; game birds designated; presidents of State Agricultural College and of University of Oregon may issue collectors certificates annually; penalties. p.183, 24 F 03
  - f Tenn.** Unlawful to kill, catch or have in possession nongame birds or to take or destroy nests or eggs; certain birds not protected; state game warden or commissioner of agriculture may issue annual permits to collectors; indictable offense; penalties. 118, 14 Mr; 169 §5, 3 Ap 03
  - g Wash.** Protection of birds: forbidding destruction or sale of wild birds or their nests or eggs; game birds, English sparrows, jays, magpies and chicken hawks excepted; birds destroying fruit or grain within inclosed premises may be killed by owner; state game warden may grant certificates for collection of birds for scientific purposes. 134, 16 Mr 03
- 1957 Plume birds**  
Grebes, gulls, terns, pelicans, egrets, heron
- a Mass.** Forbidding killing of heron or bittern except for protection of trout in pond or hatchery or for scientific purposes. 244, 16 Ap 03

959

## Fish

961

### Fish culture

- a Col.** State Fish Hatchery in La Plata county to be removed to city of Durango; \$2000. 22, 11 Ap 03
- b Del.** State commissioner of fish and fisheries to provide sturgeon hatchery; annual report of expenditure to governor. 375, 31 Mr 03
- c Kan.** Governor and state fish warden to establish fish hatchery in locality suitable for fish propagation. 14, 13 Mr 03
- d Me.** Establishing Fish Hatchery at Rangeley lakes; \$6000. r.24, 11 Mr 03
- e Me.** Establishing Fish Hatchery at Sebago lake; \$6000. r.27, 11 Mr 03
- f Mass.** Commissioners on fisheries and game may restock great ponds with fish on petition of local authorities; also extend regulations of fishing for additional 3 years; \$500 annual appropriation. Amending R. L. ch.91 §19. 274, 29 Ap 03
- g Minn.** Establishing Second State Fish Hatchery at Glenwood; Board of Game and Fish Commissioners to acquire site, equip and maintain same; District Court to appoint commissioners to appraise land on application from board; \$20,000. 211, 14 Ap 03
- h N. H.** Board of Fish and Game Commissioners under direction of governor and council to erect State Fish Hatchery at Laconia; \$7500. 153, 7 Mr 03

- i Or. \$20,000 for constructing and maintaining salmon fish hatcheries on Columbia river and coast streams; Board of Fish Commissioners to supervise. p.150, 10 F 03
- j Pa. Department of Fisheries to cooperate with New Jersey in restocking Delaware river and bay with sturgeon; regulations. 148, 15 Ap 03
- k Vt. Abolishing State Fish Hatchery at Swanton, established by '00 ch.29, on condition that United States erect, lease or purchase hatchery at Swanton. 103, 12 D 03
- l Vt. Abolishing office of special commissioner to superintend fish hatchery at Swanton on lease or purchase of same by United States government. Amending '00 ch.129 §2, 3, 5, 6. 104, 12 D 03
- m Vt. Fish and game commissioners may sell trout fry and fingerlings to stock waters within state. Amending S. '94 §465, '98 ch.101. 105, 12 D 03
- n Wash. Fish commissioner may maintain fish hatcheries in certain streams; proviso. 102, 14 Mr 03
- p Wis. \$4000 additional annual appropriation to establish state fish hatcheries, etc., to propagate bass, maskalonge and trout. 236, 13 My 03
- q Wy. Branch State Fish Hatchery to be established at Lander by superintendent of fish hatchery district no. 1; to be in charge of assistant superintendent; \$5000. 59, 20 F 03
- r Wy. Branch State Fish Hatchery to be erected at Saratoga under supervision of superintendent of fish hatchery district no. 1. 62, 20 F 03

1963

## Fishways

- a Ind. Supplementing Burns's Ann. S. '94 §6624-28 relating to fish ladders: enforcement; penalties. 101, 7 Mr 03
- b N. D. Amending R. C. '99 §1653 relative to construction of fishways by county commissioners: penalty. 102, 12 Mr 03

1964

## Close season

- a Wash. Prohibiting catching game fish to preserve, sell or transport before August 1908; penalty. 108, 14 Mr 03

1966

## Special methods of fishing

- a Ct. Owners of pounds, weirs etc. to report annually to state commissioner of fisheries and games, stating *value of fishing apparatus* and of kinds of fish taken; fine. Amending G. S. '02 §3104. 92, 15 My 03
- b Va. Amending C. §2086 '00 ch.668, '02 ch.189 relating to fishing devices; license tax; penalties. 204, 5 My 03

1967 Hook and line only

- a Del. Misdemeanor to fish except with hook and line in Chesapeake and Delaware canal or its feeders. 373, 16 Ap 03

## ADMINISTRATIVE LAW GAME AND FISH

1971

## 1971 Seining. Nets

- a **Mass.** Forbidding use of trawls in ponds; proviso. Amending R. L. ch.91 §26. 294, 30 Ap 03
- b **Mich.** Misdemeanor to use submarine trap net after Jan. 1, 1905. 108, 14 My 03
- c **N. H.** Amending '01 ch.79 §52 as to use of seine in taking shiners for bait. 96, 27 Mr 03
- d **N. C.** Misdemeanor to operate seines or stationary nets from Jan. 1 to May 1, within certain limits of river mouths. 416, 4 Mr 03
- e **Pa.** Carp, catfish eels and suckers may not be taken with seine nets. Repealing '01 ch. 203 §9. 47, 20 Mr 03

## 1972 Weirs. Screens

- a **Minn.** Board of Fish and Game Commissioners may issue permits to use fish houses between Dec. 15 and Ap. 1, to take pickerel, suckers and red horse for domestic use; penalty. 401, 21 Ap 03

## 1973 Explosives. Chemicals. Electricity

- a **Mass.** Misdemeanor to destroy fish by poison or explosive; *excepting operations of government authorities and use of explosive to raise body of drowned person.* Amending R. L. ch.91 §133. 246, 16 Ap 03

1974

## Special kinds of fish

1978

## Bass

- a **Del.** Open season for black bass, Mar. 1 to June 1; regulations; penalties. 372, 31 Mr 03
- b **N. H.** Black bass not to be taken in May [formerly and June]. Amending '01 ch.79 §59. 85, 24 Mr 03

1980

## Carp

- a **Del.** Close season for carp in Delaware bay and its tributaries from May 1 [formerly June 1] to Aug. 31. Amending '01 ch.145 §1. 374, 16 Ap 03

1982

## Eels

- a **Pa.** Open season for eel catching, Aug. 25 to Dec. 1; license to be procured from county treasurer; eels to be taken in baskets and only during night. 244, 27 Ap 03

1986

## Salmon

- a **Or.** Amending Ann. C. & S. §4092-95 regulating salmon industry: increase of license fees for fishing, canning or dealing in salmon fish or sturgeon; fishing restricted to United States citizens and residents for 6 months of Oregon, *Washington or Idaho*; *master fish warden* [formerly Board of Fish Commissioners] to issue licenses. p.218, 24 F 03
- b **Or.** Generally amending Ann. C. & S. t.36 ch.5 art.1-7 regulating salmon fishing. p.229, 24 F 03
- c **Wy.** Close season for landlocked salmon and graylings *October to June* [formerly November to May]; Big Horn and North Platte river systems excepted. Amending R. S. '99 §2146. 22, 17 F 03

1988

**Shad. Herring. Sardines**

- a **Me.** Prohibiting catching, packing and selling sardines between Dec. 1 and *Ap. 15* [formerly May 1]. Amending '97 ch.279 §1, 3  
178, 27 Mr 03

1992

**Sturgeon**

- a **Del.** Repealing '97 ch.463 fixing close season for sturgeon fishing.  
376, 9 Mr 03
- b **N. J.** Board of Fish and Game Commissioners to cooperate with Pennsylvania to restore sturgeon fisheries in Delaware river and bay; \$750 appropriation if similar appropriation made by Pennsylvania.  
166, 8 Ap 03

1996

**Trout**

- a **Ct.** Repealing G. S. '02 §3153 prohibiting pollution of trout streams by sawdust or shavings.  
47, 23 Ap 03
- b **Mass.** Forbidding for 3 years purchase or sale of trout, unless artificially raised.  
205, 8 Ap 03
- c **N. H.** Prohibiting fishing for lake trout as occupation; permission to sell in open season revoked; penalties. Amending '01 ch.79 §54, 58.  
19, 24 F 03
- d **Or.** Misdemeanor to catch or kill trout *between 1 hour after sunset and 1 hour before sunrise*; proviso. Amending Ann. C. & S. §2037.  
p.197, 24 F 03
- e **S. D.** Close season for trout, Sep. 1 to Mar. 1, and month of April; trout less than 7 inches long may not be taken at any time.  
145, '03
- f **Wy.** Close season for speckled and California trout, *Oct. 1 to June 1* [formerly Nov. 1 to May 1]; Big Horn and North Platte river systems excepted. Amending R. S. '99 §2146.  
22, 17 F 03

1999

**Shellfish. Miscellaneous**

2000 General

- a **Ark.** Regulating mussel and pearl fishing.  
69, 9 Mr 03
- b **Ark.** Repealing '03 ch.69 relating to mussel and pearl fishing.  
201, 20 My 03
- c **Ct.** Amending G. S. '02 §3219 relative to staking of shellfish grounds: provision regarding reversion repealed.  
37, 23 Ap 03
- d **N. J.** State Geological Survey to survey for tide waterway between Bayhead and Manasquan inlet for reclamation of oyster and clam beds; report to governor; \$1000.  
129, 7 Ap 03
- e **N. J.** Amending '02 ch.39 §10, 15, 16 regulating oyster and clam industry under tidal waters of Ocean county: tonging for oysters and clams forbidden on unleased state lands; license required for tonging for oysters on state seed beds; no oysters to be taken from leased or state beds *between sunset and sunrise* [formerly between 1 hour after sunset and 1 hour before sunrise].  
251, 14 Ap 03
- f **N. J.** Establishing State Bureau of Shell Fisheries: chief of bureau to be appointed for 4 years by governor; salary \$1200; powers and duties; state oyster commissioners and director of New Jersey

## ADMINISTRATIVE LAW GAME AND FISH

20

College Experiment Station to report to chief; these reports to be transmitted annually with that of chief to governor. 265, 14 Ap 03

- g Tex.** Amending R. C. S. art.2514, 2518c, 2518k, 2518m, 2518n relating to shellfish and turtles: fish and oyster commissioner to weigh fish, turtles and shrimp for sale and collect 1 mill a pound; to measure oysters and collect 5 mills a bushel or 15 mills a gallon; to issue license of sale; fees of deputies; licenses for fishing and gathering; location of beds. 122, 1 Ap 03

**2001 State department**

- a R. I.** Clerk of Board of Commissioners of Shell Fisheries to give bond. 1104, 17 Ap 03

**2002 Shellfish cultivation**

- a N. Y.** Providing for annual report of holder of lease or franchise for cultivation of shellfish to Forest, Fish and Game Commission. Amending forest, fish and game law '00 ch.20 §158. 433, 7 My 03

**2004 Enforcement**

- a N. J.** *Oyster commissioners* [formerly game and fish wardens] or constable to prosecute persons violating law for preservation of clams and oysters. Amending '99 ch.138 §2. 153, 8 Ap 03

**2005 Methods prohibited**

- a Ct.** Amending G. S. '02 §3236 prohibiting use of mechanical power dredge in gathering shellfish; propeller or paddles to be removed while dredging; penalty. 128, 22 My 03

**2006****Bullfrogs**

- a Pa.** Close season for bullfrogs, Nov. 1 to July 1. 111, 6 Ap 03

**2009****Lobsters**

- a Me.** Possession of mutilated lobsters *cooked or* uncooked to be prima facie evidence that they are not of required length; lobsters to be sold in shell. Amending '01 ch.284 §21. 70, 11 Mr 03
- b Me.** Commissioner of sea and shore fisheries may buy at 25¢ above market price lobsters with eggs attached; disposition of same. 216, 28 Mr 03
- c Mass.** Commissioners on fisheries and game may call convention of fish and game commissioners of lobster-producing states and British provinces to meet at Boston in 1903 and make recommendations as to uniform legislation for preservation of lobster; \$200. 348, 15 My 03
- d N. H.** Amending '01 ch.79 §79 relative to interference with lobster traps: penalty for maintaining unmarked pen. 107, 31 Mr 03

**2010****Oysters****2011 General**

- a Fla.** Amending '93 ch.100 §2, '99 ch.134 §1 relating to protection of oyster beds: law not to apply to "coon" or natural oysters taken from natural oyster beds in open season for propagation. 137, 5 Je 03

- b **Ga.** Nonresidents [formerly without license] may not catch oysters or fish in public waters; penalty. Amending '99 p.96. p.107, 10 D 02
- c **N. C.** Revision of oyster law of '97 ch.13: creating state oyster commissioner and assistant; shore county inspectors; licensing of oystermen, boatmen, dealers and shippers required; fees; penalties; regulations; open season Nov. 15 to Ap. 1; 4 shore counties excepted from provisions of act. 516, 6 Mr; 800, 9 Mr 03
- d **Va.** Open season for oysters *Sep. 15 to Ap. 1* [formerly Sep. 1 to Ap. 25]: patent tongs prohibited; penalty; exception. Amending C. §2148, '01 (ex. sess.) ch.126. 170, 24 Ap 03
- e **Wash.** Regulating taking of oysters from state oyster land reserves: creating Oyster Commission; to establish, survey, protect and develop oyster reserves; to grant licenses for taking of seed; open season, Ap. 1 to June 15; tidelands within reserves not to be leased or sold; regulations; fees; penalties. 166, 16 Mr 03
- 2013 **Beds. Grounds**
- a **N. J.** Misdemeanor to dredge on staked oyster beds in waters of Delaware river, Delaware bay and Maurice river cove, unless lessee thereof. Amending '99 ch.194 §20. 254, 14 Ap 03
- b **Va.** Joint committee of 2 designated senators and 3 delegates to investigate and report to Legislature on leasing of barren area and exhausted oyster bottom within Baylor Geodetic Survey; Board of Fisheries to cooperate. 137, 7 Ap 03
- 2015 **Minimum size**
- a **Va.** Amending '92 ch.363 §11, '00 ch.962 relative to taking of oysters under prescribed size. 173, 24 Ap 03
- 2018 **Sponges**
- a **Fla.** Nonresidents to secure license for sponge fishing; penalty. 136, 5 Je 03
- 2019 **Terrapin**
- a **Ga.** Exempting owners of terrapin crawls from restrictions imposed on seizure of terrapin in close season. Amending Pen. C. '95 §573. p.56, 10 D 02
- b **Pa.** Close season for terrapin, Mar. 15 to Nov 1. 111, 6 Ap 03

2020

## Mines and mining

*See also* Mining schools, 2349. For labor in mines *see* Labor, 2040

2021 **General**

- a **Ga.** State commissioner of agriculture, state chemist, state geologist and 2 appointees of governor to constitute commission to investigate damages done to timber, fruit and agricultural interests by smelting of copper ores at Ducktown. p.691, 17 Ag 03
- b **Minn.** Owners of half of land belonging to plurality of owners may bring action in District Court for permission to open stone quarries. Amending S. '94 §5830. 154, 8 Ap 03

## ADMINISTRATIVE LAW MINES

2021

- c **Neb.** Amending C. S. '01 §3839-41 relative to bounties for discovery of coal, iron, oil and gas. 63, 8 Ap 03
- 2022 **State departments**  
*See also 2063 (mine inspection)*
- a **Cal.** Amending '93 ch.173 §8 as to sale of publications of State Mining Bureau. 101, 10 Mr 03
- b **Me.** Providing for collection of metallurgic cabinet as state exhibit; creating State Mining Bureau; to investigate and publish biennial report on valuable mineral deposits; distribution. 227, 28 Mr 03
- c **Mo.** Amending R. S. '99 §8817 relating to Bureau of Mines, Mining and Mine Inspection. p.245, 13 Ap 03
- d **S. D.** Establishing Mining Experiment Station as department of State School of Mines under control of Board of Regents of Education; to assay ores and minerals on application and determine best methods of extraction; fees. 178, '03
- e **Pa.** Regulating publication and distribution of report of Department of Mines. Amending '99 ch.117 §9. 181, 22 Ap 03
- 2024 **Corporations**
- a **Mich.** Corporations for mining, smelting or manufacturing metals to report annually to *secretary of state* [formerly auditor general]. Amending '97 §7023. 33, 16 Ap 03
- 2030 **Mining claims**
- a **Id.** Providing for recording of mining location notices with deputy mining recorder of district. p.290, 11 Mr 03
- b **Or.** Coowner of quartz or placer mining claim, on performing annual assessment work, may demand proportionate payment by delinquent coowner; on failure of latter to pay, title to be vested in former; procedure. p.326, 26 F 03
- c **S. D.** Amount expended by purchaser on unpatented mining claim in annual assessment work, not exceeding \$100 to a claim, to be added to amount required for redemption; provisos. 180, 2 Mr 03
- d **S. D.** Repealing P. C. '03 §2534 subdiv.7 relative to filing location certificate of mining claims. 202, 12 Mr 03
- 2032 **Property rights. Contracts**
- a **Ind.** Owners of coal mines must permit surveying of their mines by owners of adjoining land. 90, 5 Mr 03
- b **Minn.** Vacation of highways and public roads over land containing iron ore which owner wishes to mine; owner to pay expense of relocation. 302, 20 Ap 03
- 2035 **Petroleum. Gas**
- a **Ind.** Amending '91 ch.74 relating to transportation and pumping of natural gas. 43, 28 F 03
- 2036 **Pipe lines**
- a **Neb.** Procedure in securing right of way for oil pipe lines. 67, 8 Ap 03



2037-44

## N. Y. STATE LIBRARY SUMMARY OF LEGISLATION 1903

2037 **Waste of oil and gas. Plugging wells**

- a **Cal.** Providing for casing of wells driven in oil-bearing strata and filling of abandoned wells. 275. 24 Mr 03
- b **Ind.** Providing for casing off fresh water from gas and oil wells and plugging such wells when abandoned. Repealing '93 ch.136 §2-3. 115. 7 Mr 03

2039

**Phosphate mining**

- a **S. C.** Abolishing office of state phosphate inspector; powers and duties transferred to Board of Phosphate Commissioners. Amending C. C. §136. 6, 23 F 03

2040

**Labor**

BY HELEN PAGE BATES PH.D.

*See also* Mechanics liens, 418; Exemptions from execution, 451; Workingmen's trains, 1236; Convict labor, 354

2041

**General. State bureaus and departments***See also* Bureaus of statistics, 20

- a **Ill.** Salary of secretary of Board of Commissioners of Labor, \$2500 [formerly \$1200]. Amending R. S. '01 ch.17b §3. p. 186, 15 My 03
- b **Mass.** Governor with consent of Council to appoint committee on relations between employer and employee; to consist of 1 representative of employers, 1 of laborers and 3 other persons; to consider specially employers liability, conduct of strikes, injunctions in case of strikes, blacklisting, disability funds, industrial partnerships and industrial courts; report to Legislature in 1904; \$5000. r.87, 5 Je 03
- c **Mich.** Amending '99 ch.44 §12 relative to annual report of state commissioner of labor. 9, 24 Mr 03
- d **Mon.** Submitting amendment to Constitution art.18 by adding §3, 4, 5 forbidding employment of children under 16 in mines and making 8 hours a day's work for state, county or municipal public work. *Vote November 1904.* 49, 3 Mr 03
- e **N. Y.** Submitting amendment to Constitution art.12 §1: Legislature may regulate wages, hours and conditions of labor of employees of state or any civil division and on all public contracts. *Vote November 1905.* p.1453, 22 Ap 03
- f **Or.** Establishing Bureau of Labor Statistics and inspector of workshops and factories: to be in charge of state commissioner of Bureau of Labor Statistics, to be appointed for 4 years by governor, secretary of state and treasurer; salary \$1800; biennial report to Legislature. p.205, 24 F 03
- g **Wis.** State commissioner of labor may appoint additional clerk with salary of \$1000. 302, 18 My 03

2044

**General workshop regulations**

- a **Ct.** Amending G. S. '02 §4514, 4517, 4526 relating to factory inspection: elevators to be inspected in all buildings; salary and term of factory inspector; deputies. 97, 12 My 03

## ADMINISTRATIVE LAW LABOR

2044-

- b **Ill.** Amending '93 p.99 §9 relating to factory inspectors: increasing salary of state factory inspector to \$2000 [formerly \$1500], also salaries of assistant inspector and deputies; 8 additional deputies to be appointed by governor; state to be divided by state factory inspector into inspection districts and deputies assigned; state's attorney of county to prosecute. p.193, 15 My 03
  - c **Kan.** Protection of employees in manufacturing establishments: guards required for elevators, hoisting shafts, wellholes, stairways and machinery; fire escapes in buildings over 2 stories; employers liability. 356, 11 Mr 03
  - d **Mich.** Repealing '01 ch.113 §14 exempting canning factories and evaporating works from regulations of factory inspection law. 46, 23 Ap 03
  - e **Mich.** Owner or tenant, if owner nonresident, to make permanent improvements to manufacturing establishment on order of factory inspectors. 87, 7 My 03
  - f **Mich.** Restricting operation of emery wheels, buffers and belts in underground workrooms; state factory inspector to regulate light, heat and ventilation. Adding §5a to '99 ch.202. 193, 9 Je 03
  - g **Mo.** Assistant factory inspectors to inspect factories *in cities* over 30,000 at least twice a year. Amending '01 p.197 §2. p.218, 27 Mr 03
  - h **N. J.** Amending G. S. '95 p.1901 ¶15 relative to factory and workshop inspector: governor [formerly with consent of Senate] to appoint same; also may suspend or discharge. 66, 25 Mr 03
  - i **Pa.** Factory inspector to appoint 37 [formerly 25] deputies and an assistant; salary of assistant, \$1,400 [formerly \$1100]; of messenger \$900 [formerly \$800]. Amending '01 ch.206 §15. 50, 20 Mr 03
  - j **Wash.** Protection of factory employees: machinery, stairways, elevator shafts to be guarded; ventilation; state commissioner of labor may require use of exhaust fans; penalty. 37, 6 Mr 03
- 2046 **Comfort of employees**
- a **Ct.** Penalty for use of stained glass windows in factories. Amending G. S. '02 §4522. 53, 29 Ap 03
- 2047 **Seats for employees**
- a **Cal.** Amending '89 ch.5 §5 relating to seats for women employed in factories. 12, 12 F 03
- 2049 **Health of employees**
- a **Wis.** Regulating sanitation of factories, mills, workshops, mercantile and mechanical establishments and buildings employing 8 or more persons: water-closets; dressing rooms; exhaust fans; penalty. 323, 20 My 03
- 2051 **Dust and gases**
- a **Mass.** Factories to use exhaust fans, approved by district police to remove dust caused by emery or buffing wheels. 475, 26 Je 03

2052

**Safety of employees***See also* Employers liability, 2125

- a **Nev.** Screws used in collars and shaft pulleys to be sunk below surface; penalty. 13, 26 F 03

2053

**Bakeries and confectioneries**

- a **N. J.** Amending '96 ch.181 §3, 79 regulating manufacture of flour and meal food products: investigation on complaint of employee or representative of labor union of county; procedure; fines; prosecution. 64, 24 Mr 03
- b **N. J.** Amending title of '96 ch.181 regulating "manufacture of flour and meal food products in biscuit, bread or cake bakeries, and confectionery establishments." 196, 8 Ap 03
- c **Wash.** Regulating sanitation, plumbing, and location of bakeries: persons with infectious diseases may not be employed; commissioner of labor to inspect and license; penalties. 135, 16 Mr 03
- d **Wis.** Regulating sanitation, plumbing and location of bakeries and manufactories of bread and food products; creating state bakery inspector; bakery to be closed while infectious disease in house; Bureau of Labor, state and local boards of health to enforce; penalties; prosecution. Repealing S. '98 §4608i-k. 230, 12 My 03

2054

**Building trades**2056 **Safety of employees**

- a **Cal.** Misdemeanor to erect unsafe scaffolding, hangers, pulleys, ladders or other mechanical contrivances or to hinder officer attempting to inspect. Adding §402½ to Pen. C. 193, 19 Mr 03
- b **Ind.** Requiring use of temporary floors and inclosing of elevator shafts in buildings under construction; Bureau of Factory Inspection to enforce. 78, 3 Mr 03
- c **Minn.** Shafts of hoisting machinery used in building to be inclosed; excepting mining operations; penalty. 397, 21 Ap 03

2062

**Mines**

2063

**General. State officers and departments***See also* 2022 under Mines and mining

- a **Col.** Commissioner of mines to divide state into 3 [formerly 2] metalliferous mining districts and appoint inspectors for each. Amending '99 ch.119 §3. 145, 11 Ap 03
- b **Ill.** Substituting hoisting engineer for mining engineer on Mining Board of Examiners, and requiring one of coal operators on board to be *expert mining* [formerly hoisting] engineer. Amending '99 p.300 §6a. p.250, 14 My 03
- c **Mo.** Creating Board of Coal Mining Examiners, to consist of 3 members appointed by governor for 2 years: to grant certificates on examination to mine managers, foremen, assistant foremen, examiners and hoisting engineers; qualifications for admission; state

## ADMINISTRATIVE LAW LABOR

2053

Inspectors of mines to be appointed by governor on examination by board; fees; penalties. p. 242, 4 Ap 03

- d **Mon.** Requiring annual inspection of mines by state inspector or deputy, also on complaint; liability of owner or operator; owners of metalliferous mines employing 5 persons to report to state inspector; proviso. Amending P. C. §582-86, 589. 48, 6 Mr 03
- e **Pa.** Establishing Department of Mines [replacing Bureau of Mines in Department of Internal Affairs]: department to consist of chief and staff of assistants; chief to be appointed by governor with consent of Senate for 4 years, with salary \$4000; qualifications, powers and duties; state mine inspectors and Board of Mine Examiners to report to chief, and chief to governor. 137, 14 Ap 03
- f **Tenn.** General law providing for inspection of mines and safety of employees; creating chief mine inspector and district mine inspectors [formerly mines were inspected by state commissioner of labor, statistics and mines]; qualifications, powers and duties; reorganizing Board of Examiners of Mine Foremen created in 1901; classification of mines; maps; safety appliances; ventilation; limitation of miners employed; inspection fees; penalties; prosecution; exception. 237, 5 Ap; 346, 15 Ap 03
- g **Wy.** Regulating construction of cut-offs in crosscut of coal mine; safety cable to be used in coupling coal cars; state mine inspector to enforce. 6, 13 F 03
- h **Wy.** Amending R. S. '99 division 1 t.3.ch.8 regulating inspection of coal mines: state inspector to be appointed for *each of 2 inspection districts*; inspection reports showing condition of mine to be posted in office and *on dump*; ventilation; mine owners to report to state inspector of district. 23, 17 F 03
- i **Wy.** Providing for inspection of metalliferous mines: state geologist constituted state inspector; metalliferous mines and metallurgic plants employing 5 or more men to report annually to state inspector; powers and duties; inspector may require adoption of code of signals in mines using hoisting machinery; qualifications of hoisting engineer; penalties. 35, 18 F 03
- 2064 **Health and comfort of employees**
  - a **Ill.** Owners or operators of coal mines to provide washrooms for miners, to be available also for drying clothes. p.252, 14 My 03
- 2065 **Ventilation**
  - a **Ill.** Trappers need not be employed at doorways in mines through which cars are hauled if *automatic doors* are provided. Amending '99 p.300 §19f. p.250, 13 My 03
- 2066 **Safety of employees**
  - a **Col.** Amending '97 ch.119 §20 relative to safety appliances and regulations in metalliferous mines, mills and smelters. 144, 10 Ap 03
  - b **Mon.** Forbidding stoping within 25 feet of mining shaft, lowering or raising cage faster than 800 feet a minute, or maintaining blacksmith shop or drying room within 50 feet of tunnel or shaft which is not fireproof; penalty. 82, 5 Mr 03

## N. Y. STATE LIBRARY SUMMARY OF LEGISLATION 1903

- c **Tex.** Protection of miners: requiring 2 outlets from each stratum of coal or ore with safety appliances in escapement slopes; penalty.  
76, 30 Mr 03

2067 *Blasting*

- a **Ill.** Limiting quantity of powder to be used in shots for coal blasting; penalties. p.252, 14 My 03  
b **Mo.** Amending '01 p.214 relating to shot firing and safekeeping of explosives in mines; penalty. p.247, 10 Mr 03  
c **U.** Explosives sufficient for 1 day's work only to be stored in metalliferous mines; penalty. 12, 17 F 03

2074 *Mine signals*

- a **Mon.** Recommending that governor confer with governors of other Western states for purpose of formulating uniform code of mine signals. p.347, 5 Mr 03  
b **S. D.** Establishing uniform system of bell signals in mines using hoisting apparatus; penalties. 181, 24 F 03

2075 *Safety cages*

- a **Mon.** Amending '97 p.245 requiring use of safety cages in mining shafts over 300 feet deep. 60, 4 Mr 03

2076 *Shafts*

- a **S. D.** Mining shafts, 50 feet deep, to have ladderways built in separate compartment from cage runs, and landings every 12 feet; penalties. 179, 9 Mr 03

## 2077

**Railways**2078 *Health of employees*2079 *Vestibules*

- a **Ill.** All street cars to be provided with screens or vestibules from November to March; penalties. p.289, 11 My 03  
b **N. Y.** Requiring use of vestibuled street cars from December to March. Adding §111 to railroad law '90 ch.565. 325, 6 My 03  
c **Tex.** Electric cars used between Nov. 15 and Mar.15, except for excursions, to be vestibuled; penalty. 112, 3 Ap 03  
d **Va.** Electric railway companies to use vestibuled fronts on motor cars from Nov. 1 to May 1 [formerly Ap. 1]; proviso. Amending '99 ch.169. 218, 13 My 03

## 2084

**Hours**

*See also* Legal holidays, 1594; Employment, 2113

## 2085

**General**

- a **N. C.** 66 hours to constitute a week's work in factories and manufacturing establishments. 473, 6 Mr 03

2086 *Women*

- a **Col.** Women over 16 may not be employed in mill, factory or store more than 8 hours a day in any occupation requiring standing. 138, 11 Ap 03  
b **Or.** Women in mechanical or mercantile establishment, laundry, hotel or restaurant to be employed but 10 hours a day; penalty; justices of peace to have concurrent jurisdiction. p.148, 19 F 03

**2089 Children***See also* Employment of children, 2118**2090 Bakeries**

- a **N. J.** Minors under 18 may not work in bakeries from 7 p. m. to 7 a. m. 64 §10, 24 Mr 03
- b **Wash.** Forbidding employment of children under 16 in bakeries from 8 p. m. to 5 a. m.; penalties. 135, 16 Mr 03

**2094****Mines**

- a **Ari.** Miners working day to be 8 hours; fine. 8, 10 Mr 03
- b **Mo.** Establishing 8 hour day for persons engaged in reduction and refining of ores. p.219, 9 Mr 03
- c **Mon.** Establishing 8 hour day for engineers of hoisting engines of 15 horse power in mine operated 16 hours a day and employing 15 men; exception; penalty. 53, 3 Mr 03
- d **Nev.** Establishing 8 hour day for laborers in mines, smelters and reduction works; penalty. 10, 23 F 03

**2096****Public work**

- a **Cal.** Establishing 8 hour day for labor on public works. 107, 10 Mr 03
- b **Mon.** Submitting amendment to Constitution art.18 by adding §45: establishing 8 hour day for state, county or municipal public work. *Vote November 1904.* 49, 3 Mr 03
- c **Nev.** Establishing 8 hour day on irrigation works. 4 §4, 16 F 03
- d **Nev.** Making 8 hours a day's labor on public works. 37, 9 Mr 03
- e **N. Y.** Misdemeanor for contractor on public work to require more than 8 hours for day's labor. P. C. 384h subdiv. 1. *Unconstitutional.* Not valid police regulation, having no relation to public health; arbitrary distinction between public and private contractors, denying equal protection of laws. *People v. Orange County Road Construction Co.*, 67 N. E. 129.
- f **O.** Limiting hours of labor on public contracts. p.357, 16 Ap 00. *Unconstitutional.* Impairs obligation of contract. *City of Cleveland v. Clements Bros. Construction Co.*, 65 N. E. 885.
- g **U.** Establishing 8 hour day in state, county and municipal penal institutions. Amending R. S. '98 §1336. 98, 12 Mr 03
- h **Wash.** 8 hour day for labor on public works; exception; penalty; cancelation of contract. 44, 7 Mr 03

**2097****Railways**

- a **Ari.** Railroad companies to allow 9 hours' rest to employees working 16 consecutive hours; penalty. 34, 18 Mr 03
- b **Ark.** Limiting hours of labor of railroad employees, except on passenger trains, to 16 hours in every 24; penalty. 144, 14 Ap 03
- c **Ind.** Railroad employees may not be required to work more than 16 consecutive hours in 24; company to be liable for all injuries resulting from violation of law; penalties. 46, 28 F 03

- d Minn. Locomotive engineers and firemen may work but 14 hours without interval of 9 hours' rest; penalty. 69, 19 Mr 03
- e Tex. Railroad employee to be required to work but 16 consecutive hours out of 24; penalty. 31, 7 Mr 03
- 2098 Street railways
  - a R. I. Street railway employees may be required to work but 10 hours a day, within period of 12 consecutive hours, *where no contract as to hours has been made with employer*; overtime. Amending '02 ch.1004. 1045, 5 D 02

2100

**Wages**

*See also Mechanics liens, 418*

- a Ark. Amending S. '94 §6243 relating to payment of wages of discharged railroad employees. 155, 21 Ap 03
- b Ind. Providing for weekly payments of wages; prohibiting fines against wages; regulating changes in wages, penalties. 124, 28 F 99 *Unconstitutional* as to weekly payments. Infringes right of contract and deprives of property without due process of law. Republic Iron & Steel Co. v. State, 66 N. E. 1005.
- c Vt. Payment of wages: checks, slips, duebills or other device representing money must be paid in current money on regular pay days, at intervals not exceeding one month; penalty. 158, 12 D 02
- 2102 Deduction
  - a Nev. Forbidding collection of hospital fees from employee where no hospital is maintained. 84, 14 Mr 03
- 2103 Mode of payment: money, company stores, certificates
  - a Ari. Employers to redeem all coupons, scrip, punch-outs, store orders in money on regular pay day, or 30 days after issuance; penalty. 58, 19 Mr 03
  - b Ind. Employees paid by checks payable in merchandise can collect in cash the full value of wages designated. 171, 9 Mr 03
  - c Mon. Misdemeanor to compel employees to board at company boarding houses. 102, 6 Mr 03
  - d Nev. Misdemeanor to compel employee to patronize any particular store or boarding house. 124, 20 Mr 03
  - e Tex. Employer may not require employee to purchase articles at specified stores; penalty. 63, 26 Mr 03
- 2104 Period of payment
  - a Ill. Prohibiting corporations from withholding on any pretext, payment of wages beyond regular pay day; penalties; proviso. p.198, 14 My 03
  - b Mo. Railroad companies to pay employees every 30 days in lawful money; wages may not be withheld more than 10 days. p.220, 23 F 03

2107

**Mines**

2108 Money payment

- a Ind. Checks issued by merchants for assignment of miners' wages to be redeemable in cash. 237, 11 Mr 01. *Unconstitutional*. Class legislation. Dixon v. Poe, 65 N. E. 518.

## ADMINISTRATIVE LAW LABOR

2104

## 2109 Period of payment

- a **Mo.** Providing for payment of wages in mines and quarries every 2 weeks in lawful money; forbidding withholding of wages except in coal mines, where 5 days' wages may be withheld. Amending R. S. '99 §8791. p.246, 23 Mr 03
- b **Wy.** Coal miners and laborers to be paid semimonthly; *fine \$25 to \$100 for each offense.* Amending R. S. '99 §2590. 64, 20 F 03

## 2110 Weighing and screening of coal

- a **Kan.** State secretary of mine industries constituted state inspector of weights, measures and scales at coal mines; semiannual test; penalty. 544, 27 F 03

2111

## Public work

- a **Ind.** Fixing minimum rate of wages on public work. 122, 9 Mr 01. *Unconstitutional.* Deprives of property without due process of law; class legislation. *Street v. Varney Electrical Supply Co.*, 66 N. E. 895.

2112

## Employment

2113

## General

- a **Cal.** Misdemeanor to entice person to change place of employment by misrepresentation with regard to character of work, compensation or existence of labor dispute; penalty. 229, 20 Mr 03
- b **Col.** Age of employees from 18 to 60 insufficient cause for discharge; proviso; penalty. 137, 10 Ap 03
- c **Fla.** Misdemeanor to receive money on promise to perform certain service on vessels and refuse to perform it. 56, '03
- d **Ga.** Penalty for procuring money fraudulently on contract for service. p.90, 15 Ag 03
- e **Mich.** Regulating offer and acceptance of employment in distant locality: employer to make written contract with employee; for children under 16 written consent of parents and truant officer required and free transportation home on request of parents; employees to refund transportation on failure to perform services stipulated; penalties. 106, 14 My 03
- f **Mon.** Unlawful to misrepresent conditions of work to induce laborer to change place of occupation; failure to state existence of strike or lockout to be deemed misrepresentation; penalty; laborer may recover damages. 80, 5 Mr 03
- g **Or.** Misdemeanor to procure employees to work by false pretenses or unlawful force; workman may bring action for damages. p.193, 24 F 03

## 2114 Employment offices

- a **Cal.** Misdemeanor for employment agent to retain fee if applicant fails to secure employment; fee limited to 10% of 1st month's salary; agents to be listed with Bureau of Labor Statistics; registration of applicants. 11, 12 F 03
- b **Ill.** Amending R. S. '01 ch.48 §62 relating to private employment agencies: license fee *in cities of 50,000, \$50 a year* [formerly



\$200], in cities under 50,000, \$25; register open to inspection of state commissioners of labor; registration fees; penalties; prosecution by state commissioners. p.194, 11 My 03

- c **Me.** Amending R. S. '83 ch.35 §6, '95 ch.156, '99 ch.3 relating to intelligence offices: license fee \$5 [formerly \$1]; no money to be retained from applicant [formerly exceeding \$1] unless employment furnished; no license to be granted to person engaged in sale of intoxicating liquors. 114, 19 Mr 03

**2115 Free employment bureaus**

- a **Ct.** State commissioner of labor statistics may establish branch public employment bureaus to be in charge of 5 established state bureaus; proviso. 33, 14 Ap 03
- b **Ill.** Creating free employment offices; superintendent and assistants to be paid from unappropriated money in treasury; names or lists of employees not to be furnished to employers whose employees are on strike or locked out. p. 268, 11 Ap 99. *Unconstitutional.* Deprives of right of contract and equal protection of laws; appropriation for salaries of public officers can not be joined with other matters. *Matthews v. People*, 67 N. E. 28.
- c **Ill.** Amending R. S. '01 ch.48 §53-64 relating to state free employment offices: salary of superintendent \$1500 [formerly \$1200]; withdrawing provision that no workmen be furnished to employers whose men are on strike. p.194, 11 My 03
- d **Mass.** Bureau of Statistics of Labor to consider expediency of establishing free employment offices; report to Legislature of 1904. 1.70, 4 My 03
- e **Wis.** State free employment agencies to be located in 4 cities [formerly in cities of 30,000] selected by commission consisting of governor, secretary of state and attorney general; repealing provision that no workmen be furnished to employers whose men are on strike. Amending '01 ch.420. 434, 22 My 03

**2117 Women**

- a **N. Y.** Amending labor law '97 ch.415 §92 regulating employment of women in polishing and buffing. 561, 12 My 03

**2118 Children**

*See also* Compulsory education, 2270

- a **Ark.** Prohibiting employment in factories of child under 10, or under 12 unless necessary for own support; children under 14 may work but 10 hours a day or 60 hours a week; to attend school 12 weeks each year. 127, 8 Ap 03
- b **Col.** Children under 14 may not work in smelter, mill or factory; children under 16 may work in mill, mine, factory, store or in any unhealthy or dangerous occupation but 8 hours a day; exemption of children 14 to 16 by county judge; penalties. 138, 11 Ap 03
- c **Ct.** State Board of Education may grant age certificate for employment, where record of birth is unobtainable. Amending G. S. '02 §4705. 75, 11 My 03

## ADMINISTRATIVE LAW LABOR

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- 1** **Ill.** Supplementing and amending '97 p.90 prohibiting employment of children under 14 in theater, concert hall, bowling alley or place of amusement where liquors are sold, hotel, elevator, or as messenger or driver; no work of any kind allowed during school sessions; employers of children from 14 to 16 in above mentioned occupations to keep register, also *age and school certificates* on file; form and requirements for certificate; hazardous and deleterious occupations designated; children under 16 may work but 48 [formerly 60] hours a week, or 8 [formerly 10] hours a day between 7 a. m. and 7 p. m.; increase of penalties. Repealing '91 p.87. p.187, 15 My 03
- e** **Mon.** Prohibiting employment of children under 16 unless provided with age and schooling certificate; regulations; employers to keep certificates on file. 45, 3 Mr 03
- f** **N. J.** Repealing '02 ch.36 §149 restricting employment of children under 15. 200, 8 Ap 03
- g** **N. J.** *Children* under 14 [formerly boys under 12] may not be employed in factory, workshop, mine or manufacturing establishment. Amending G. S. '95 p.1900 ¶11 repealing ¶12. 201, 8 Ap 03
- h** **N. Y.** Boys under 10, and girls under 16, may not sell newspapers on streets in cities of 250,000; boy actually or apparently under 14 to obtain permit and badge; regulations; boys under 14 may not sell papers after 10 p. m.; penalties; prosecution. Adding §174-79a to labor law '97 ch.415. 151, 8 Ap 03
- i** **N. Y.** Children under 14 may not be employed to work in or *in connection with* factories; children 14 to 16 not to be granted employment certificate except on proof of satisfactory school record, requisite age, ability to read and write simple English and physical fitness; children under 16 may not work between 9 p. m. and 6 a. m. Amending labor law '97 ch.415 §70-73, 76. 184, 15 Ap 03
- j** **N. Y.** Children under 14 may not work in mercantile establishment, office, hotel, apartment house or in transmission of messages; excepting children 12 to 14 in cities under 50,000, during summer vacation; children under 16 to work but 54 hours a week, or 9 hours a day between 7 a. m. and 10 p. m.; women 16 to 21, but 10 hours a day; employment certificate required for children under 16, to be issued on proof of satisfactory school record, requisite age, ability to read and write simple English and physical fitness; employer to keep register of children employed; local health authorities to enforce law; penalties; law to apply to cities and villages of 3000. Amending labor law '97 ch.415 §161-67, 172-73. 255, 24 Ap 03
- k** **N. Y.** Misdemeanor wilfully to make false statement in application for employment certificate under labor law; penalty. Amending Pen. C. §384l. 380, 6 My 03
- l** **N. Y.** Amending labor law '97 ch.415 §92 regulating employment of children in polishing and buffing. 561, 12 My 03
- n** **N. C.** Prohibiting children under 12 from working in factories; exception; parents to furnish written statement of age; children under 18 may work but 66 hours a week; penalty. 473, 6 Mr 03

**n Or.** Child labor law: forbidding employment of minors under 14 in any occupation during school hours or minors under 16 if unable to read and write English; register and affidavit of parents to be posted by employer; children under 16 may work but 10 hours a day between 6 a. m. and 7 p. m., or 60 hours a week; penalties; creating Board of Inspectors of Child Labor to enforce.

p.79, 16 F 03

**p S. C.** Child labor law: provision for raising age limit of employment; after 1905, children under 12 prohibited from working in mines, factories or textile mills, unless necessary for own support or for invalid parent, when affidavit required; work to be done between 6 a. m. and 8 p. m. or 9 p. m. to make up lost time; children able to read and write may work in textile mills from June to September, on certificate of parents or guardian; penalties. Adding 321a-g to Crim. C.

74, 13 F 03

**q S. D.** Unlawful to allow children under 14 to beg, to take part in exhibitions, or engage in anything injurious to health or morals; penalties.

88, 11 Mr 03

**r Tex.** Children under 12 may not work in establishments using machinery, or children 12 to 14, unless able to read and write simple English, or required to work for own or invalid parent's support; work restricted to hours between 6 a. m. and 6 p. m.; children under 16 may not work in distilleries, breweries or mines; penalties.

28, 6 Mr 03

**s Va.** Prohibiting employment of children under 12 in manufacturing, mechanical or mining operation; children under 14 may not work from 6 p. m. to 7 a. m.; penalties.

156, 16 Ap 03

**t Wash.** Children under 14 may not work in factories, mills or workshops; exception, child 12 to 14 may be granted employment certificate for support of invalid parent; girls under 18 may not be employed as public messengers.

136, 16 Mr 03

**u Wis.** Children under 14 may not work in factory, bowling alley, barroom, beer garden or mine; children 12 to 14 working in vacation to obtain permit; children 14 to 16 must secure permit to work in above occupations or *store, office, hotel, laundry or transmission companies*; children under 16 may work but 10 hours a day between 6 a. m. and 9 p. m. and 6 days a week, excepting newsboys carrying morning papers; register of employees and permits to be listed; penalties; prosecution. Amending '99 ch.274, '01 ch.182.

349, 21 My 03

**v Wis.** Prohibiting employment of girls under 18 as messengers by transmission companies.

402, 21 My 03

2119

**Mines**

2120 **Women**

**a Pa.** Women may not be employed in coal mines or in outside structures of colliery except for clerical work. Amending '85 ch.169, '93 ch.48.

266, 13 My 03

## ADMINISTRATIVE LAW LABOR

2121

## 2121 Children

- a **Mon.** Submitting amendment to Constitution art.18 by adding §3, 5 forbidding employment of children under 16 in mines. *Vote November 1904.* 49, 3 Mr 03
- b **Pa.** Boys under 16 [formerly 14] may not be employed in coal mines; boys under 14 [formerly 12] may not be employed in outside structures of colliery except for clerical work. Amending '85 ch.169 and '93 ch.48. 266, 13 My 03

2125

**Employers liability. Insurance***See also Insurance, 1730*

- a **Cal.** Employer to indemnify employee for injuries arising from negligence in performance of duty which employer owes by law to employee. Amending C. C. §1970. 220, 20 Mr 03
- b **Miss.** Increasing liability of employers for injuries to employees. 66, 31 Ja 98. *Unconstitutional.* Denies equal protection of laws. *Ballard v. Mississippi Cotton Oil Co., 34 S. 533.*
- c **Mon.** Railway or mine employee injured through negligence of certain designated coemployees may recover damages; contract of insurance or contract to waive action void. 83, 5 Mr 03

2126

**Railroads**

- a **Kan.** Railroad company to be liable for damages to employee arising from negligence of agents or employees *if notice of injury is given within 90 days.* Amending G. S. '01 §5858. 393, 4 Mr 03
- b **N. D.** Railroads to be liable for injuries to employees resulting from negligence of other employees; contracts restricting such liability to be illegal. 131, 10 Mr 03
- c **Or.** Railroad corporations liable for injury to employee caused by negligence of agent or officer of corporation, person superior to employee, or coemployee in another department of labor, on another train, in charge of switch, signal or engine or transmission of messages; knowledge of defective machinery not of itself bar to recovery; contract to waive right of action null and void. p.20, 10 F 03
- d **S. C.** Acceptance of relief by injured employee as member of relief department of railroad company to be no bar to action for damages for injuries; contract to the contrary invalid. Adding §2040a to C. C. 48, 23 F 03
- e **Wis.** Amending S. '98 §1816 subdiv.2 relative to railroad liability for injury to *officer, agent, servant, or employee* caused by negligence of other officer, agent, *servant* or employee. 448, 22 My 03

2130

**Unions. Associations**

- a **Mass.** Relating to registration of insignia and buttons of labor unions. Supplementing '02 ch.430. 275, 29 Ap 03
- b **Pa.** Unauthorized use of insignia or button of trade union or society a misdemeanor. 85, 27 Mr 03

2136

**Labor disputes**

- a **Cal.** Agreement, in trade dispute, between employers and employees to perform act which, if performed by individual, would be illegal, not to be deemed conspiracy. 235, 20

2136

**Conciliation and arbitration**

- a **Cal.** Amending '97 ch.2 relative to Board of Arbitration: on failure to comply with order of board; may punish for contempt; joint applicants bound by decision for 1 year. Adding §6A. 136, 11
- b **Ill.** Salary of secretary of State Board of Arbitration. Amending '95 (special session), p.5. p.84, 15
- c **Mich.** Local authorities to inform State Court of Mediation of existence of strikes within jurisdiction; 10,000 copies of report of court to be published biennially for free distribution. Supplementing C. L. '97 §559-68. 69, 30
- d **Mo.** Amending '01 p.195 relating to powers of State Board of Mediation and Arbitration: examination of witnesses. p.218, 23
- e **Wash.** Labor disputes: state commissioner of labor, on application of employer or employee, to visit locality to attempt conciliation, or induce parties to submit to findings of board of arbitration; appointment; on refusal parties to publish sworn statement of charges on dispute and reasons for refusal. 58, 9

2137

**Blacklisting. Membership in unions**

- a **Kan.** Misfeasance: to make agreement not to join or membership in labor organization a condition of employment. 222, 13
- b **Minn.** Misfeasance: to make participation in strike a condition of employment. 393, 21
- c **Nev.** Misfeasance: to make membership in labor organization a bar to employment. 111, 17
- d **Or.** Guaranteeing right of employees to belong to labor union not misdemeanor to blacklist mechanic, employee or laborer. p.137, 1

2138

**Boycotts. Interference**

- a **N. Y.** Prohibiting discrimination against national guard relative to employment; trade unions forbidden to discriminate against members; penalties. 349, 6

2140

**Charities**

BY HELEN PAGE RATES PH.D.

See also State institutions, 60; Corrections, 335; Corporations not for profit; Fraternal, beneficiary societies, 177

2141

**General**

- a **Ind.** Board of County Commissioners to relinquish trusts of funds left in trust for certain charitable purposes are insufficient. 144, 9

## ADMINISTRATIVE LAW CHARITIES

2141-51

- b **Mo.** Clerk of County Court to keep record of persons sent to eleemosynary institutions. p.204, 23 Mr 03
- c **Mon.** Amending P. C. §2345 relating to annual census of deaf, dumb and feeble-minded. 25, 24 F 03

## 2142 State boards and officers

- a **Ct.** Salary of secretary of State Board of Charities \$1800 [formerly \$1500]. Amending G. S. '02 §2864. 172, 11 Je 03

## 2144 Local boards and officers

- a **Ct.** Town overseers of poor to send in annual returns in *September* [formerly October]. Amending G. S. '02 §2492. 49, 30 Ap 03
- b **Pa.** Amending P. & L. Digest '94 p.3526 making women in boroughs and townships eligible to position of overseers of poor. 182, 22 Ap 03
- c **Pa.** Salaries of directors of poor in districts over 70,000, lying in more than one county, \$500. 220, 23 Ap 03

## 2145 Private charities and institutions

- a **N. D.** Solicitors for benevolent associations must obtain license from state examiner, prior to establishment of Board of Charities; procedure; annual renewal. 39, 10 Mr 03

## 2148 Poor relief

See also Vagrancy, 260; Pensions and relief, 2406

## 2149 General

- a **Ill.** \$5000 for destitute families in Sweden and Finland; 3 commissioners appointed by governor to distribute funds to authorities. p.82, 4 Mr 03
- b **Kan.** County commissioners to have powers of relief in case of great loss of life or damage to property; may issue county warrants to 1% of taxable property and levy special tax. 43, 26 Je 03
- c **Neb.** Appropriating \$2000 for relief of people of northern Sweden, Norway and Finland. 143, 8 Ap 03
- d **Pa.** Providing for support of needy, sick and injured and burial of indigent persons. 266, 6 Je 93. *Unconstitutional*. Subject not included in title. *Dailey v. Potter County*, 53 A. 498

## 2151 Support of pauper. Settlement

- a **Ct.** Amending G. S. '02 §2485 relating to support of nonresident pauper: town of legal settlement chargeable for medical or hospital care, not to exceed \$5 a week. 40, 23 Ap 03
- b **Ct.** State comptroller may contract with towns for support of state paupers. 80, 11 My 03
- c **Ct.** Amending G. S. '02 §2496 relating to state paupers; support after 6 months chargeable to town of last residence. 124, 21 My 03
- d **Me.** Amending '87 ch.101 relative to reimbursing towns furnishing relief to state paupers. 148, 26 Mr 03

- e Mass. Amending R. L. ch.84 §11 relating to removal without the state of state pauper by Board of Charities. 136, 14 Ap 03
- f Mass. State Board of Charity may remove state pauper to place of legal settlement; regulations. Amending R. L. ch.84 §11. 231, 14 Ap 03
- fi Mass. Amending R. L. ch.81 §21 as to removal of state pauper against their will to state institutions; procedure. 355, 15 My 03
- g Mich. Amending and supplementing '99 ch.213 relative to relief of certain nonresident poor persons; *one year's continuous residence within 2 years previous* to constitute place of legal settlement; transportation; procedure for recovery of expenses. 59, 27 Ap 03
- h Minn. Amending '01 ch.251 relative to aid for nonresident paupers. 298, 20 Ap 03
- i N. H. Pauper aid given by town or county within 6 years preceding death recoverable against estate; preference. 42, 4 Mr 03
- j N. H. Amending P. S. '01 ch.85 §4, 5, 9 relative to support of county paupers: pauper claim of town against county; affidavit of pauper; liability of one county to another. 67, 7 Mr 03
- k N. H. Amending '97 ch.31 §1 relative to settlement of paupers; settlement of person 70 years old not lost by nonpayment of poll tax. 106, 31 Mr 03
- l N. H. Amending P. S. ch.83 §1 as to legal settlement of illegitimate children and unmarried woman; latter can gain settlement by 7 years' residence as taxpayer. 110, 2 Ap 03
- m Pa. Counties maintaining almshouses to provide relief for poor persons whose residence is unknown. 22, 6 Mr 03
- n Wis. Towns granting relief to strangers may charge same against county; county to recover from place of legal settlement; proviso; procedure. Amending S. '98 §1512. 319, 20 My 03

2153

#### Homes for aged

- a Pa. Providing for a miners home or homes: appointment of managing board of trustees; to provide for site and construction; trustees to contract with coal operators as to contributions for each ton of coal mined, and with employees as to deduction of wages for support of home; miners, 60 years old, after 25 years' work in Pennsylvania mines, also miners injured or afflicted with miners asthma, and their wives if 55 years old, to be admitted; insane and degenerate persons excepted. 184, 22 Ap 03

2155

#### Poorhouses

2157 Local institutions

- a Col. Towns and cities may establish orphanages, dormitories and places of relief for sick and indigent. Amending Ann. S. '91 §4403 subdiv.47. 173, 13 Ap 03
- b N. J. Governing board of city may sell poor farm to erect new poorhouse; disposition of surplus. 134, 7 Ap 03
- c N. Y. Minor amendment to poor law '96 ch.225 §3 subdiv.4 relating to keepers of county almshouses. 340, 6 My 03

## ADMINISTRATIVE LAW CHARITIES

2160-61

2160

**Sick and disabled***See also* Communicable diseases, 1018

2163

**Care of sick poor**

- a **Mass.** Amending R. L. ch.85 §10 relating to removal of sick pauper to state hospital. 233, 14 Ap 03

2164 **Dispensaries**

- a **Ct.** Misdemeanor to obtain free dispensary treatment on false pretenses. 27, 14 Ap 03

2165

**Hospitals**

- a **Ct.** Amending G. S. '02 §2852 relative to annual appropriations to certain hospitals. 44, 23 Ap 03

2166 **State hospitals**

- a **W. Va.** Amending '97 ch.7 §1, 6 changing name of West Virginia Asylum for Incurables to West Virginia Asylum; patients with incurable contagious diseases to be excluded; transfer of patients to or from hospitals for insane. 32, 27 F 03
- b **Wy.** Board of Equalization may impose special tax levy of  $\frac{1}{8}$  mill for maintenance of Wyoming General Hospital in case of deficient annual appropriation. 58, 20 F 03
- c **Wy.** Establishing Branch of Wyoming General Hospital in Sheridan county. 47, 20 F 03

2167 **Miners hospitals**

- a **N. M.** Establishing Miners Hospital of New Mexico at Raton; site to be selected by 3 commissioners appointed by governor; managing board of 5 trustees appointed by governor; board to erect and equip institution, appoint and remove officers and employees; admission, support and treatment. 2, 13 F 03
- b **W. Va.** Persons requiring hospital care to be admitted to miners hospitals but preference given to persons accidentally injured. Amending '99 ch.57 §5. 51, 17 F 03

2168 **Local hospitals**

- a **Ind.** Board of County Commissioners may establish county hospital; appointment of board of management; support. 86, 4 Mr 03
- b **N. J.** Cities may construct hospital buildings and issue bonds aggregating  $\frac{1}{4}$  of taxable property. 125, 7 Ap 03
- c **N. J.** Boards of chosen freeholders may acquire lands, erect and maintain hospitals for contagious diseases; bond issue; managing board to consist of 3 members from county boards of health and 3 physicians appointed by director with consent of other members; board to appoint institutional officers; admission; support; private patients; discharge. 155, 8 Ap 03
- d **U.** Misdemeanor to maintain pesthouse within 20 rods of public road or  $\frac{1}{4}$  mile of uncovered aqueduct, canal or flume carrying water for city use. 36, 5 Mr 03
- e **Pa.** Cities of 100,000 to 1,000,000 may purchase land outside city limits for hospital purposes. 33, 16 Mr 03
- f **Va.** Regulating location and maintenance of hospitals for small-pox, yellow fever or cholera. 92, 16 Mr; 296, 20 My 03



## 2169 Private hospitals

- a **Cal.** Corporation formed for hospital purposes may receive bequest. Amending C. C. §1275. 223, 20 Mr 03
- b **Tenn.** Amending C. §2024-53 providing for incorporation of hospitals for women. 45, 9 F 03

## 2170 Maternity hospitals

- a **Cal.** Misdemeanor to maintain maternity hospital without license from county board of health or health officers; inspection. 239, 20 Mr 03
- b **Wis.** Regulating maternity homes. 161, 2 My 03

## 2172

## Children

*See also* Juvenile offenders, 371; Family, 474; Guardianship, 444

- a **Ct.** Providing for commitment of crippled and incurable children of sound mind to Newington Home for Incurables, controlled by Connecticut Children's Aid Society Corporation; support. 51, 29 Ap 03
- b **Kan.** Misdemeanor to induce or permit child under 18 to take part in public exhibition of hypnotism. 219, 13 Mr 03
- c **Mass.** Governor may appoint agents of Massachusetts Society for Prevention of Cruelty to Children as special district police officers; proviso. 333, 7 My 03
- d **Mass.** Appeal from order of commitment in case of neglected child to be entered in Superior Court by court from which taken, without entry fee, and advanced for speedy trial. Amending R. L. ch.85 §37, 38. 334, 8 My 03
- e **Mass.** State Board of Charity to investigate number of persons under 21 unable to attend school because of deformity; report to Legislature of 1904; \$500. r.96, 19 Je 03
- f **Mon.** Amending P. C. §2471 and adding §2495-500 relating to commitment of children to Orphans Home, or if incorrigible, to state reform school. 40, 28 F 03
- g **N. J.** Imprisonment for cruelty to children may be in county jail or *penitentiary*. Amending G. S. '95 p.1720 ¶42. 59, 24 Mr 03
- h **N. J.** Amending G. S. '95 p.1717 §11 relating to cruelty to children: imprisonment in county prison or *penitentiary* in default of fine. 118, 7 Ap 03
- i **N. J.** Authorized or incorporated humane societies may prosecute person allowing minor to play pool or billiards. Amending G. S. '95 p.1726 ¶73. 122, 7 Ap 03
- j **O.** Commission consisting of 5 members to be appointed by governor to investigate the feasibility of providing state institution for deformed children; report to governor by December 1903; \$1000. p.19, 22 O 02
- k **Pa.** *Court of Common Pleas* in county to appoint boards of visitation of institutions receiving dependent and delinquent children. 7, 26 F 03

## ADMINISTRATIVE LAW CHARITIES

2172-8:

- 1 **Pa.** Supervision of institutions and associations receiving dependent, neglected and delinquent children by Board of Public Charities; annual report to board. 12, 5 Mr 03
- m **R. I.** Annual appropriation of \$17,000 [formerly \$14,000] for education of defective children. Amending G. L. '96 ch.85 §4, '98 ch.545. 1048, 10 D 02
- n **U.** Child under 14 may not be on street after 9 p. m. unless working or running errand or accompanied by parent or other person in custody; penalties; procedure. 89, 12 Mr 03
- p **U.** Dependent and neglected children: commitment to institutions or aid societies; supervision by board of county commissioners; probation officers; procedure. 124, 23 Mr 03
- q **Wash.** Orphan and neglected children: custody may pass to benevolent society on surrender by parents or guardians or by Superior Court in case parents or guardians are unknown or are deemed unfit to have charge of child; minor under 18 convicted of offense punishable by confinement in reform school may be surrendered to society. Repealing '99 ch.8. 49, 7 Mr 03
- r **Wis.** Providing for removal and support of certain children born in Wisconsin Home for Feeble-minded. 111, 24 Ap 03
- s **Wy.** *Child of reputed thief or habitual drunkard* to be included under class of neglected children; on petition of 2 persons [formerly 10 heads of families], district judge or county commissioner may appoint guardian. Amending R. S. '99 §4935. 106, 23 F 03

1177 **State homes and schools**

- a **Mich.** Generally amending C. L. '97 ch.72 relative to management of State Public School at Coldwater; disposition of neglected children. 143, 21 My 03
- b **Nev.** State Orphans Home may admit children whose parents are living; children to be maintained at Orphans Home by county. Amending C. L. '00 §1493-95. 41, 9 Mr 03
- c **N. M.** Establishing Orphan Children's Home at Belen; managing board; tax levy of ¼ mill on \$1 to be imposed for current year for erection of home. 6, 24 F 03

1179 **County homes**

- a **Ct.** Forms of commitment of dependent and neglected children to county temporary homes to be uniform through state and prepared by attorney general and furnished by state comptroller. 74, 11 My 03

1180 **Orphan homes. Private institutions**

- a **Ind.** County commissioners to allow 30c a day toward support of each child, mentally or physically defective, committed to private orphans homes. 247, 12 Mr 03

1182 **Placing out**

- a **N. D.** Prohibiting associations from importing imbecile, vicious or incurably sick dependent children; bonds for each child to be approved by board of county commissioners; penalty. 79, 10 Mr 03

- b **S. D.** \$2000 bond required from society sending dependent child into state; penalty. 89, 11 Mr 03

2183 **Boarding out of infants**

- a **Cal.** Misdemeanor to maintain asylum for children without license from county board of health or health officers; inspection. 239, 20 Mr 03
- b **Wis.** Regulating homes for infant children, lying-in hospitals and maternity homes: managers to register with local health authorities before taking inmates; arrival and removal of children and births to be reported in 24 hours; inspection; penalties. 161, 2 My 03

2184 **Deaf and dumb**

- a **Cal.** Minimum age for admission to classes for deaf in public schools, 3 years. Amending P. C. §1662. 77, 5 Mr 03
- b **Cal.** Board of education of city or board of trustees of school district containing 5 deaf children may establish separate classes for the deaf. Adding §1618 to P. C. 88, 9 Mr 03
- c **Mon.** Deaf children of school age to receive instruction at state institution or private school or at home for 8 years; penalties. 9, 18 F 03
- d **N. Y.** If state pupil appointed to any school for deaf and dumb is not provided with clothing by parents or guardians, county supervisors to appropriate \$30 a year for this purpose. Amending consolidated school law '94 t.15 art.14 by adding §43a. 223, 24 Ap 03
- e **N. D.** Amending R. C. '99 §707 relative to enumeration of deaf. 78, 4 Mr 03
- f **Wis.** State superintendent with consent of Board of Control may [formerly shall] on application of *local board of education* permit city or village to establish schools for deaf mutes. Amending S. '98 §578. 86, 20 Ap 03

2186 **State institutions**

- a **Fla.** Amending R. S. '92 §270-77, '95 ch.41 relating to Florida School of Blind, Deaf and Dumb: reorganizing managing board: admission of pupils 6 to 21 years; *retention of progressive pupils beyond 21 till graduation*; support; *examination of teachers*; *provision for industrial department*; annual report to *Board of Education*. 104, 4 Je 03
- b **Ill.** Name of Illinois Institution for Education of Deaf and Dumb changed to Illinois School for the Deaf. Amending '75 p.104 §1. p.93, 16 My 03
- c **Ind.** Commission composed of governor, attorney general and board of trustees of Institution for Education of Deaf and Dumb to sell real estate and relocate said institution. 217, 9 Mr 03
- d **Mon.** Changing name of Montana Deaf and Dumb Asylum to Montana School for Deaf and Blind. Amending P. C. §2330. 10, 18 F 03

## ADMINISTRATIVE LAW CHARITIES

2186-9

- e **N. M.** New Mexico Asylum for Deaf and Dumb to be permanently located at Santa Fe; 3 commissioners appointed by governor to select site in city; managing board of 5 trustees to be appointed by governor [formerly board consisted of superintendent of public instruction, 4 members appointed by governor with Council]; board to erect and equip institution, appoint and remove officers and employees. Amending '99 ch.42. 2, 13 F 03
- f **N. Y.** Deaf and dumb person resident in state for 1 year [formerly 3] to be eligible to appointment as state pupil in state institution. Amending '94 ch.556 t.15 §41. 62, 23 Mr 03
- g **N. D.** Submitting amendment to Constitution §215 subdiv.5 changing name of Deaf and Dumb Asylum to School for Deaf and Dumb of North Dakota. *Vote November 1904.* p.295, 2 Mr 03
- h **U.** Amending R. S. '98 §2107 as to time of appointment of board of trustees of School for Deaf and Dumb. 56, 12 Mr 03
- i **Va.** Name of Institution for Deaf, Dumb and Blind changed to Virginia School for Deaf and Blind; reorganizing board of visitors of institution; powers and duties. 266, 16 My 03
- j **Wash.** Amending Ann. C. & S. '97 §2563, 2580 relating to School for Defective Youth: requirements for admission; term. 140, 16 Mr 03

1188

**Blind**

- a **Ct.** Trade implements to be provided for all adult blind persons, legal residents, having received industrial training in any state institution [formerly only to those having completed 3 years' study]; procedure. Amending G. S. '02 §2295. 62, 29 My 03
- b **Ill.** County relief of blind: adult persons, not inmates of state or local institutions, with income not exceeding \$250, on certificate of examiner of blind, to receive \$150 a year; penalty for false affidavit. p.138, 11 My 03
- c **Mass.** Governor with advice of Council to appoint 3 commissioners to investigate condition of adult blind and consider expediency of establishing industrial training institution; report by Jan. 15, 1904. r.74, 9 My 03
- d **Mon.** Blind children of school age to receive instruction at state institutions or private school or at home for 8 years; penalties. 9, 18 F 03
- e **N. Y.** Governor to appoint 3 commissioners to investigate condition of adult blind and expediency of establishing industrial training institutions; report to Legislature by Feb. 1, 1904; \$3000. 576, 13 My 03
- f **N. D.** Amending R. C. '99 §707 relative to enumeration of blind. 78, 4 Mr 03
- g **Tenn.** \$5000 for King's Daughters Home for Blind Girls, on donation of site. 231, 26 Mr 03

1191

**State institutions**

- a **Fla.** Amending R. S. '92 §270-77, '95 ch.41 relating to Florida School of Blind, Deaf and Dumb: reorganization of managing board;

- admission; period of instruction; support; teachers; industrial department; annual report to *Board of Education*. 104, 4 Je 03
- b **Mich.** Establishing Michigan Employment Institution for Blind: managing board of trustees to locate, erect and equip same; to maintain industrial school and employment bureau; admission; support; report of trustees to governor; \$75,000 for erection and equipment. 169, 2 Je 03
- c **Mon.** Changing name of Montana Deaf and Dumb Asylum to Montana School for Deaf and Blind. Amending P. C. §2330. 10, 18 F 03
- d **N. M.** Establishing New Mexico Institute for the Blind at Alamogordo; site to be selected by 3 commissioners appointed by governor; managing board of 5 trustees appointed by governor; board to erect and equip institution and to appoint and remove officers and employees; admission of blind, 5 to 21 years; support and tuition. 2, 13 F 03
- e **N. Y.** Blind person resident in state for 1 year [formerly 3] to be eligible to appointment as state pupil in state institution. Amending '94 ch.556 t.15 §41. 62, 23 Mr 03
- f **Va.** Name of Institution for Deaf, Dumb and Blind; reorganizing board of visitors of institution; powers and duties. 266, 16 My 03
- g **Wash.** Amending Ann. C. & S. '97 §2563, 2580 relating to School for Defective Youth: requirements for admission; term. 140, 16 Mr 03
- h **Wis.** State Board of Control on approval of governor to employ superintendent and provide building in Milwaukee where adult blind may pursue trade; board may provide instruction in trades; \$5000. 432, 22 My 03

2192

**Insane***See also* State institutions, 6c; Guardianship of insane, 446

2193

**General**

- a **Cal.** Revising insanity law P. C. pt3 t.5 ch.1: State Commission in Lunacy; duties and powers of general superintendent of state hospitals; biennial report of commission to Legislature; management of state hospitals; commitment; admission; treatment; licensed institutions. 364, 26 Mr 03
- b **Mass.** State Board of Insanity, with consent of local authorities, may place quiet and chronic insane persons in almshouse of city or town. 400, 29 My 03
- c **Mich.** Revision of insanity law. 25p. 217, 16 Je 03
- d **Va.** General law relating to administration of state hospitals for insane and commitment of insane persons. 130, 7 Ap 03

2194

**State boards and officers**

- a **N. Y.** Commission in Lunacy may appoint well educated and experienced physician medical inspector of institutions for insane; salary \$3500 and expenses. Amending insanity law '96 ch.545 §4. 221, 24 Ap 03

## ADMINISTRATIVE LAW CHARITIES

2196-20.

2196

## Asylums

- a Wash. Insane asylums may accept donations. 110, 16 Mr 03

## 2198 State asylums

- a Ari. Changing name of Insane Asylum to Territorial Asylum for the Insane. Amending R. S. '87 §2461. 13, 12 Mr 03
- b Ct. Establishing State Hospital for Insane at Norwich, on town's donation of site; managing board of trustees, and institutional officials; admission; charge for poor patients limited to \$3.50 a week; \$100,000. 179, 12 Je 03
- c Mo. Changing name of State Hospital for Insane No. 1 to State Hospital No. 1; similar changes in names of other state hospitals for insane. Amending '01 p.45. p.202, 24 Mr 03
- d N. Y. State Commission in Lunacy with approval of governor to select site and prepare plans for state hospital for insane in northeastern part of state; \$50,000. 541, 11 My 03
- e Okl. Establishing Oklahoma Hospital for Insane on Fort Supply Military Reservation: managing board of trustees; admission; support; transfer of patients from sanatorium at Norman. 16, 13 Mr 03
- f Okl. Governor to appoint custodian of Fort Supply Military Reservation, on transfer to territory; powers and duties; to hold office till permanent location of territorial insane asylum. p.280, 16 Mr 03
- g Okl. Accepting United States grant of Fort Supply Military Reservation to be used for territorial insane asylum. p.284, 13 F 03
- h U. Changing name of State Insane Asylum at Provo City to *State Mental Hospital*; institution to be under control of *Board of Insanity* [formerly Board of Insane Asylum Commissioners]. Amending R. S. '98 §2153-206. 115, 17 Mr 03

## 2199 Institutional boards, officers and employees

- a Ind. Boards of trustees of insane hospitals with consent of governor to fix salaries of superintendents. 84, 4 Mr 03

## 2200 County asylums and officers

- a Wis. Amending S. '98 §604h as to annual reports of county asylum trustees: fiscal year to end *Sep. 30* [formerly June 30]. 250, 13 My 03
- b Wis. 500 copies of proceedings of association of trustees and superintendents of county asylums to be printed annually by state. Amending S. '98 §335c. 332, 19 My 03

2203

## Support. Right of admission

- a Ct. Maintenance of insane indigent person by town of legal settlement, as if committed as a pauper. 188, 18 Je 03
- b N. D. Amending R. C. '99 §998, 998a as to support of patients in Hospital for Insane; county commissioners of insanity to investigate financial condition of patients and report to board of trustees; collection from estate; procedure. 105, 12 Mr 03
- c N. D. Amending R. C. '99 §1526 relating to admission to Hospital for Insane: property statement prepared by county commissioners of insanity required for admission. 106, 12 Mr 03

- d **N. D.** Nonresident insane persons to be conveyed at state expense to place of legal settlement; procedure. 107, 9 Mr 03
- e **Or.** County judge to decide on ability of parent, child or guardian to pay maintenance of insane person in state asylum; rate \$10 a month; district attorney to prosecute in county of legal settlement. p.118, 18 F 03
- f **Vt.** Minor amendment to S. '94 §3268 relating to proceedings for support by state of insane person not a pauper. 57, 8 D 02
- 2204 **State support**
  - a **N. H.** Dependent insane to be cared for exclusively by state after Jan. 1, 1905; State Board of Lunacy to make transfers from county almshouses to state hospital, based on population of several counties. 61, 7 Mr 03
- 2205 **Inquest. Commitment. Discharge**
  - a **Ari.** Amending R. S. '01 §2768, 3623 relative to insane persons: 2 [formerly 1 or more] practising physicians to pass on commitment of insane; board of control of Territorial Asylum for Insane to prescribe forms of complaint, certificate of lunacy and commitment; procedure. 79, 19 Mr 03
  - b **Fla.** Examining committee in cases of supposed insanity to consist of 1 intelligent citizen [formerly 2] and 2 practising physicians [formerly 1]. Amending '95 ch.36 §2. 159, 22 My 03
  - c **Ill.** Commitment of lunatics: inquest may be by jury or commission of 2 licensed practising physicians of county; County Court, where no Probate Court established, to appoint conservator, if adjudged lunatic has estate. Amending '93 p.140 §5, 8, 12. p.245, 14 My 03
  - d **Me.** Amending R. S. '83 ch.143 §13, 34 relating to commitment of insane person: examination on written complaint of husband or wife; copy of complaint and notice to be given 24 hours prior to hearing. 1, 22 Ja 03
  - e **Me.** Amending R. S. '83 ch.143 §16 relating to commitment of insane, and repealing §15 abolishing right of appeal from board of examiners to 2 justices of peace and a quorum. 80, 11 Mr 03
  - f **Minn.** Harmless insane person who can not be benefited by hospital treatment may not be committed to hospital for insane; superintendent and board of control may parole such persons. 106, 31 Mr 03
  - g **N. Y.** Costs of any commission of lunacy to be paid by county; compensation of commissioners to be fixed by court. Adding §662a to Crim. C. 129, 3 Ap 03
  - h **N. Y.** Person dangerously insane or in need of immediate treatment may be committed for not over 5 days to state institution on certificate of 2 medical examiners in lunacy and at discretion of superintendent. Amending insanity law '96 ch.545 §62. 146, 6 Ap 03
  - i **N. C.** Providing for examination and commitment of insane persons to private hospital; transfer from state to licensed private hospital; support; procedure. 329, 2 Mr 03

## ADMINISTRATIVE LAW CHARITIES

22

- j **Tex.** Amending R. C. S. art.128-29 relating to apprehension of lunatics: procedure. 145, 2 Ap 03
- k **Wis.** Amending S. '98 §585d as to physician's fees in insanity cases. 16, 16 Mr 03
- 2206 **Transportation. Transfer**
  - a **N. D.** Amending R. C. '99 §1530 as to fees of sheriff for conveying patient to hospital for insane. 58, 9 Mr 03
- 2207 **Discharge. Parole. Recommitment**
  - a **Ari.** Superintendent of Territorial Asylum for Insane to release patients in convalescence on parole; procedure; support of discharged patients. Amending R. S. '01 §3624. 79, 19 Mr 03
  - b **Vt.** Repealing '00 ch.47 relative to the discharge of patients from hospitals by state supervisors of the insane. 58, 4 N 02

2210

**Epileptics**

- a **S. D.** Imbecile, feeble-minded, and *epileptic* persons, residents for 1 year [formerly 6 months] previous, may be admitted to Northern Hospital for Insane; charges to be fixed by *Board of Charities and Corrections*; support. Amending P. C. '03 §561-62. 188, 12 Mr 03
- 2213 **State asylums and colonies**
  - a **Kan.** State Board of Charities and Corrections to have control of Parson's State Hospital for Epileptics; trustees to report every 90 days to state treasurer. 484, 13 Mr 03
  - b **Mo.** Missouri Colony for Feeble-minded and Epileptic declared to be state eleemosynary institution. Amending R. C. '99 §7698. p.203, 21 Mr 03
  - c **N. D.** Establishing Institution for Feeble-minded at Grafton; to have custody of the epileptic, idiotic and imbecile of state and to give trade instruction where feasible; managing board of trustees; admission; support; biennial report of trustees to governor. Repealing '01 ch.36. 108, 28 F 03
  - d **Pa.** Providing for appointment of commission to select site and prepare plans for State Institution for Feeble-minded and Epileptic; managing board and institutional officers; admission; \$50,000. 424, 15 My 03
  - e **Tex.** Amending '99 ch.5 relating to Epileptic Colony: admission of all epileptics, not idiotic, imbecile, bedridden, infirm or suffering from infectious disease; transfer from insane asylums; support. 108, 3 Ap 03

2215

**Feeble-minded**

- a **Del.** Amending R. C. p.388 ('77 ch.375 §2) relating to idiotic children: removal by governor from State Hospital at Farnhurst on proof of incapacity for further instruction; appointment of guardian. 370, 24 Mr 03
- b **N. C.** Providing for examination and commitment of idiots to private hospital; transfer from state hospital; support; procedure. 329, 2 Mr 03



- c **S. D.** Imbecile, feeble-minded, and *epileptic* persons, residents for 1 year [formerly 6 months] previous, may be admitted to Northern Hospital for Insane; charges to be fixed by *Board of Charities and Corrections*; support. Amending P. C. '03 §561-62. 188, 12 Mr 03
- d **Va.** Amending '00 ch.933 relating to removal of idiots from state insane hospitals. 110, 28 Mr 03
- 2218 **State institutions**
  - a **Mo.** Missouri Colony for Feeble-minded and Epileptic declared to be state eleemosynary institution. Amending R. S. '99 §7698. p.203, 21 Mr 03
  - b **Mon.** Erection and equipment of School for Feeble-minded at Boulder; \$30,000. p.309, 5 Mr 03
  - c **N. D.** Establishing Institution for Feeble-minded at Grafton; to have custody of the epileptic, idiotic and imbecile of state and to give trade instruction where feasible; managing board of trustees; admission; support; biennial report of trustees to governor. Repealing '01 ch.36. 108, 28 F 03
  - d **N. D.** Submitting amendment to Constitution §215 subdiv.8 removing Institution for Feeble-minded from Jamestown to Grafton. *Vote November 1904.* p.294, 5 Mr 03
  - e **Pa.** Charge of maintenance of inmates of Pennsylvania Training School for Idiotic and Feeble-minded Children \$200 [formerly \$175] each. Amending '95 ch.256. 78, 27 Mr 03
  - f **Pa.** Providing for appointment of commission to select site and prepare plans for State Institution for Feeble-minded and Epileptic; managing board and institutional officials; admission; \$50,000. 424, 15 My 03
  - g **Wash.** Amending Ann. C. & S. '97 §2563, 2580 relating to School for Defective Youth: requirements for admission; term. 140, 16 Mr 03

## Education. Science. Culture

*See also* Deaf and dumb, 2184; Blind, 2198

## Elementary and secondary education

## General systems. Codes

- a **Ari.** Amending R. S. '01 §2146-48 relating to superintendent of public instruction: to prepare blanks for certificates; to recommend books for school libraries. 89, 19 Mr 03
- b **Cal.** Formation of union school district on petition of majority of heads of families and vote of majority of electors; erection of schools; admission of additional districts; withdrawals; dissolution; proceedings. Adding §1674 to P. C. 252, 21 Mr 03
- c **Fla.** System of public schools to provide for 12 years' consecutive study; designation of grades and courses of instruction; approved high schools and rural schools to receive state aid. 101, 26 My 03

## ADMINISTRATIVE LAW EDUCATION

222

- d **Ga.** Joint committee of 3 senators and 5 representatives to investigate and report to Legislature of 1904 on revision of school laws.  
p.692, 17 Ag 03
- e **Id.** Amending '99 p.306 as to qualifications of county superintendent and organization of monthly teachers meetings.  
p.284, 11 Mr 03
- f **Id.** Amending '99 p.85, relating to public schools: teacher to exhibit copy of certificate to trustees before contract is signed; time allowed to attend institutes; schools to be provided with flag; reports of truancy; penalties.  
p.285, 10 Mr 03
- g **Me.** Amending '95 ch.116, '97 ch.286, '99 ch.89, '01 ch.206 relative to schooling of children in unorganized townships: no state aid unless township has already paid sum equal to per capita tax of 40c [formerly 25c]; collectors of tax to act as truant officers and prosecute parents or guardian; penalties; annual appropriation \$5000 [formerly \$2500].  
128, 24 Mr 03
- h **Mich.** Amending C. L. '97 ch.116 subchapter 3 relating to powers and duties of district school boards and officers: defining duties of treasurer, created by '01 ch.165 to replace assessor of district board.  
21, 2 Ap; 49, 23 Ap 03
- i **Minn.** Boards of education in cities over 50,000 constituting independent school districts may make regulations for government of schools and examination of teachers.  
73, 19 Mr 03
- j **Minn.** Amending S. '94 §3678 as to time of annual school meeting and term of office of school officers.  
385, 21 Ap 03
- k **Mo.** Amending R. S. '99 §9959-61 relating to public schools: reissue of certificates; county teachers *association* [formerly institute] to meet annually for 3 [formerly 10 or more] days; compensation of members of county board of education.  
p.269, 24 Mr 03
- l **Neb.** Amending C. S. '01 §4672, 4675 relating to district schools: tax levy; term.  
85, 10 Ap 03
- m **Nev.** Amending C. L. '00 §1289, 1297, 1301 relating to duties of county superintendent and census marshal and employment of teachers.  
54, 1 Mr 03
- n **N. H.** Superintendent of public instruction may biennially publish school laws with session amendments; 2000 copies. Amending P. S. ch.94 §2.  
33, 25 F 03
- p **N. J.** Amending school law '02 ch.36 §244: joint school districts; application of act.  
10, 2 Mr 03
- q **N. M.** Territorial superintendent of public instruction to publish school law biennially, 2000 copies each in English and Spanish; distribution.  
28, 10 Mr 03
- r **N. M.** Miscellaneous amendments to C. L. '97 t.11 relating to schools.  
119, 19 Mr 03
- s **N. C.** Generally amending '01 ch.4 relating to schools.  
435, 4 Mr 03
- t **N. D.** Education: minimum term 6 [formerly 4] months; appropriation for school libraries; *consolidation of schools*; transportation

223-25

## N. Y. STATE LIBRARY SUMMARY OF LEGISLATION 1903

- of pupils; apportionment of state tuition fund. Amending R. C. '5  
§687, 694, 696, 704, 715, 741, 774. 83, 10 Mr 03
- u N. D.** Superintendent of public instruction to publish annually  
2500 copies of proceedings of North Dakota Educational Association;  
distribution. 87, 24 F 03
- v Or.** Authorizing state superintendent of public instruction to  
compile school laws. p.348, 18 F 03
- w S. D.** State superintendent of public instruction to receive ex-  
penses not over \$500 [formerly \$200]; may renew state certificates  
and diplomas; deputy superintendent to receive \$1500 [formerly \$1200].  
Amending P. C. '03 §2279, 2283, 2284. 128, 20 F 03
- x Tex.** Amending '01 ch.111 relative to trustees and officers in  
independent school districts and assessment of taxes. 66, 26 Mr 03
- y Va.** Regulating time of appointment and organization of Board  
of Education provided for in Constitution of 1902; defining powers  
and duties; biennial report to Legislature to include annual reports  
of state superintendent of public instruction. 254, 15 My 03
- z Wash.** Generally amending Code of Public Instruction '97  
ch.118. 104, 14 Mr 03
- 21 Wash.** Amending Code of Public Instruction '97 ch.118 §117:  
interest on school bonds may not exceed 6% [formerly 10]; warrants  
issued for certain necessary expenses may be funded when indebted-  
ness exceeds 5% of taxable property. 153, 12 Mr 03
- 22 Wash.** Amending Code of Public Instruction '97 ch.118 §159-75  
relating to offenses against school law: attendance at teachers  
institute; fines, forfeitures and damages to be placed to credit of  
current school fund of state. 156, 16 Mr 03
- 23 Wis.** Amending S. '98 §164, 166 relating to qualifications, duties  
and salary of state superintendent: supervision of county schools of  
agriculture and domestic science, manual training schools, county  
training schools for teachers and day schools for deaf; editing and  
codifying of school laws; salary \$5000. 37, 27 Mr 03
- 24 Wy.** Board of trustees of school districts to take annual school  
census of children 6 to 21; on failure of board, county superintendent  
to take census; no funds to be distributed to district not maintaining  
school 3 months in year. 91, 23 F 03

2224

## Meetings. Elections. Suffrage

2225 General

- a Ark.** Amending S. '94 §7030 relating to annual school elections.  
132, 10 Ap 03
- b Cal.** School trustees or board of education may divide school  
districts into school election precincts. Amending P. C. §1596.  
257, 21 Mr 03
- c Ct.** Amending G. S. '02 §2213 relating to manner of taking vote  
for consolidation of school districts. 205, 22 Je 03
- d Kan.** Amending G. S. '01 §6122 as to date of annual school meet-  
ing. 426, 11 Mr 03

## ADMINISTRATIVE LAW EDUCATION

2225-2

- e **Kan.** Minor amendment to G. S. '01 §6128 relating to annual school meeting. 436, 7 Mr 03
- f **S. C.** Special school tax elections must be held before June 1 of fiscal year. Amending C. C. §1208. 29, 23 F 03
- g **Wash.** Amending Ann. C. & S. '97 §2346-47 relating to time for school elections. 117, 16 Mr 03

2227 **Districts. Formation. Division. Consolidation***See also Consolidation of schools, 2272*

- a **Cal.** County supervisors may change name of school district on petition of 15 electors. 148, 16 Mr 03
- b **Cal.** Contiguous school districts in two different counties may join by concurrent action of county supervisors and superintendents. Amending P. C. §1577. 259, 21 Mr 03
- c **Col.** School districts with \$20,000 assessed valuation and 40 school children may be divided to form new district; remaining district to contain 20 [formerly 15] school children. Amending Ann. S. '91 §3992. 166, 6 Ap 03
- d **Col.** In union of 1st class and lower class school districts, board of directors of former to hold as board of united district. Amending Ann. S. '91 §3993. 168, 8 Ap 03
- e **Ind.** Relating to establishment of joint school districts. 229, 10 Mr 03
- f **Kan.** Amending G. S. '01 §6299 relating to territory attached to city for school purposes; election of members of board of education. 234, 7 Mr 03
- g **Kan.** School district adjacent to graded school district may be disorganized by vote of majority of electors; appeal. 429, 13 Mr 03
- h **Mass.** State Board of Education may form or readjust unions of towns for employment of superintendents; conditions. 299, 30 Ap 03
- i **Mich.** Generally amending C. L. '97 ch.119 relative to organization of township school districts in Upper Peninsula; exception. 154, 26 My 03
- j **Minn.** *Copy* [formerly abstract] of petition for change of boundaries of school district to be posted. Amending S. '94 §3673. 100, 28 Mr 03
- k **Minn.** School district may consolidate with adjoining school district maintaining graded or high school and provide for transportation of pupils; procedure. 277, 18 Ap 03
- l **Mo.** Minor amendment to R. S. '99 §9747 relating to division of school districts lying in 2 or more counties. p.265, 5 Mr 03
- m **Mo.** Amending R. S. '99 §9860 providing for organization of city, town and village school districts. p.268, 10 Mr 03
- n **Nev.** Amending '91 ch.87 §30 relating to consolidation of adjoining school districts; exception repealed; admission of children transferred from one district to another. 29, 6 Mr 03
- ni **N. Y.** Providing for division of union free school districts containing territory of 2 or more incorporated villages. 125, 3 Ap 03

- p N. D. Two or more adjacent school districts may establish *graded or* high school. Amending R. C. '99 §706. 85, 24 F 03
- q N. D. Amending R. C. '99 §667 relative to change of boundaries of school districts. 174, 10 Mr 03
- r N. D. City or incorporated town or village over 150 [formerly 200] may be constituted special school district. Amending R. C. '99 §785. 175, 10 Mr 03
- s Or. District boundary board to consolidate school districts on petition of certain number of voters proportional to size of several districts; latter to vote on question at next annual meeting; procedure. p.86, 17 F 03
- t Or. Amending Ann. C. & S. §3365 authorizing district boundary board to change or divide school districts on petition of 3 [formerly majority] of legal voters of district. p.125, 18 F 03
- u Pa. Creation of separate school district from portion of township left after erection of borough; petition; procedure. 3, 5 F 03
- v Pa. Independent school districts may be abolished by Court of Quarter Sessions on petition of majority of taxpayers; excepting districts composed of parts of adjoining counties. 172, 22 Ap 03
- w S. D. Amending P. C. '03 §2410 relating to annexation and detachment of territory from independent school districts: appeal to Circuit Court; procedure. 133, 2 Mr 03
- x Tenn. School districts [formerly created and changed by county courts] to be made coextensive with civil districts of counties; special election for district directors; abolishing independent school districts and officers; schools with attendance under 70 to be discontinued; provision for attendance in adjoining district. Repealing C. §1436. 240, 15 Ap 03
- y Tex. Town or village incorporated for school purposes may annex adjacent territory on petition of majority of voters therein; exception. 27, 5 Mr 03
- z Tex. State Board of Education may create new school districts at state eleemosynary institutions; superintendent of public instruction to appoint 3 trustees, who need not be residents of district. 82, 31 Mr 03
- z1 Wis. Providing for permanent numbering of school districts. 113, 24 Ap 03
- z2 Wis. Amending S. '98 §419a relative to change of boundaries of joint school districts. 218, 11 My 03
- z3 Wis. Amending S. '98 §419 relative to alteration of boundaries of school districts by town boards of supervisors. 266, 14 My 03

2228

Officers. Boards

2229 State

- a Ark. Salary of superintendent of public instruction, deputy and clerk, \$2500, \$1500 and \$900 [formerly \$1800, \$1200 and \$600] respectively. Amending '97 ch.2. 115, 6 Ap 03

## ADMINISTRATIVE LAW EDUCATION

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- b Col.** State Board of Education may issue subpoenas and compel witnesses to testify in cases of appeal, other than from county superintendent. Amending Ann. S. '91 §4055. 163, 10 Ap 03
- c Kan.** Salary of state superintendent of public instruction \$2500 [formerly \$2000]. Amending G. S. '01 §6082. 241, 27 F 03
- d Mich.** State superintendent of public instruction to appoint chief clerk; salary \$1200. 70, 30 Ap 03
- e Minn.** Salary of superintendent of public instruction, \$3000 [formerly \$2500]. Amending S. '94 §3720. 252, 18 Ap 03
- f Neb.** Amending C. S. '01 §4751 relating to printing and distribution of annual report of state superintendent of public instruction. 88, 6 Mr 03
- g N. M.** Compensation of members of Territorial Board of Education. 120, §3, 19 Mr 03
- h N. C.** State superintendent of public instruction to appoint additional clerk, salary \$1000. 567 §6, 9 Mr 03
- i N. C.** Salary of superintendent of public instruction, \$2000 [formerly \$1500]. Amending C. §3727. 603, 9 Mr 03
- j N. D.** Allowing state superintendent of public instruction traveling expenses not exceeding \$1000 [formerly \$500] *to be approved by State Auditing Board*. Amending R. C. '99 §637. 192, 9 Mr 03
- k Or.** Salary of state superintendent of public instruction \$3000 [formerly \$2000]. Amending Ann. C. & S. §3342. p.194, 16 F 03
- l S. D.** Salary of members of Board of Regents of Education and of secretary of board \$1000 [formerly \$5 a day]. Amending P. C. '03 §223-24. 197, 18 F 03
- m Vt.** Amending S. '94 §5320 allowing superintendent of education \$400 additional for clerical assistance. 21, 12 D 02
- n Vt.** Appropriating \$400 [formerly \$200] for issue and distribution of educational circulars by superintendent of education. 22, 9 D 02

## 2230 County

- a Cal.** Amending P. C. §1768 as to qualifications and term of office of county board of education. 261, 21 Mr 03
- b Del.** Salary of county superintendent of free schools \$1200 [formerly \$1000]. Amending '98 ch.67 §23. 288, 17 F 03
- c Kan.** Person holding professional teachers certificate to be eligible for office of county superintendent of public instruction. Amending '99 ch.245. 202, 13 Mr 03
- d Minn.** *In counties of 75,000 to 150,000* county commissioners shall [formerly may] allow \$250 for expenses of county superintendent if salary does not exceed \$1800 [formerly \$1200]. Amending '01 ch.341. 200, 14 Ap 03
- e Minn.** Voters of city over 50,000 may not vote for county superintendent and he may not live in city. 367, 21 Ap 03
- f Minn.** *Counties composed of 36 or more townships* where county superintendent receives \$1200 may allow additional compensation. Amending '01 ch.341 §1. 398, 21 Ap 03

- g Mo. Amending R. S. '99 §9810 relating to adoption of county supervisor and election of county superintendent. p.266, 18 Mr 03
- h Mo. County Court, on petition of 100 resident freeholders, to resubmit proposition of county school supervision to voters. Adding §9810a to R. S. '99. p.267, 24 Mr 03
- i Neb. Amending C. S. '01 §4731 relating to salary of county superintendent. 86, 2 Ap 03
- j N. M. County superintendents failing to qualify within 30 days after election or appointment or failing to apportion school funds to be removed from office. 100, 19 Mr 03
- k N. C. *General Assembly* [formerly county commissioners] to appoint county boards of education for 2 years; vacancies to be filled by *State* [formerly county] Board of Education. Amending '01 ch.4 §12. 269, 2 Mr 03
- l N. D. Amending R. C. '99 §652 relative to salary and clerical assistance of county superintendent. 88, 4 Mr 03
- m Okl. Increasing salaries of county superintendents of public instruction 20%. Amending S. '03, §3057. 14 art.4, 16 Mr 03
- n U. Amending R. S. '98 §1782 relating to term of office of county superintendent. 106, 12 Mr 03
- p Vt. County examiners of teachers to meet once a year with superintendent of education to confer on educational matters. Amending S. '94 §611. 23, 20 N 02
- 2231 District, township and municipal
  - a Ct. Town school supervision: appointment of superintendent; union of towns to employ superintendent; state aid to one half amount paid by town, but not exceeding \$800; State Board of Education, on petition of town aggregating but 10 teachers, may employ superintendent, three fourths of salary to be paid by state. 195 §2-5, 18 Je 03
  - b Id. Trustees of independent school district to hold office for 3 [formerly 6] years. Amending '99 p.85 §80-81. p.335, 24 F 03
  - c Kan. Amending G. S. '01 §6433-34, 6448 relating to qualifications, term and compensation of high school trustees. 432, 7 Mr 03
  - d Me. Term of town superintendents of schools not to exceed 5 years. Amending '97 ch.296. 35, 4 Mr 03
  - e Me. Superintending school committee to elect town superintendent of schools in case of vacancy. Amending '97 ch.332. 100, 18 Mr 03
  - f Minn. Amending S. '94 §3678 relative to election and term of office of school boards. 38, 6 Mr 03
  - g Minn. School districts in city under 10,000 in which council acts as board of education may reorganize and elect board of directors: regulations. 289, 20 Ap 03
  - h Neb. In cities of 5000 to 40,000 [formerly 80,000] board of education may [formerly must] consist of 9 members. Amending C. S. '01 §4801. 92, 21 Mr 03
  - i Nev. Amending C. L. '00 §1293 as to salary of clerk of school board. 109, 17 Mr 03

## ADMINISTRATIVE LAW EDUCATION

2231-33

- j **N. H.** Annual reports of school boards to state superintendent of public instruction to be made by *July 15* [formerly Aug. 1]. Amending P. S. ch.92 §13. 5, 3 F 03
- k **N. Y.** Number of trustees of union free school may not be changed unless board of education gives notice that vote will be taken on question. Amending consolidated school law '94 ch.556 t.8 §31. 463, 7 My 03
- l **N. Y.** Adding subdiv.1 to consolidated school law '94 ch.556 t.8 §6 relating to increase or decrease of number of members of board of education at election held on petition of 15 taxpayers. 489, 9 My 03
- m **N. D.** Amending R. C. '99 §643 relative to meetings of school boards. 86, 9 Mr 03
- n **Or.** Amending Ann. C. & S. §3395 as to duties of district school clerk. p.331, 26 F 03
- p **Pa.** Establishing county associations of school directors; organization; annual meeting to discuss school administration. 166, 21 Ap 03
- q **Pa.** Boroughs not divided into wards may have 6 school directors elected for term of 3 years; Court of Quarter Sessions to fill vacancies. 203, 23 Ap 03
- r **R. I.** Property of abolished school districts to be vested in town; towns aggregating from 40 to 60 schools may unite for 3 years or more to form union to employ superintendent of schools; state aid to one half amount of superintendent's salary, to sum of \$750; same aid to town of 40 schools paying \$1500 salary to superintendent. 1101, 17 Ap 03
- s **S. C.** Amending C. C. §1210 as to election of board of trustees of special school district. 30, 2 Mr 03
- t **S. D.** Amending P. C. '03 §2330 relating to election of district school board. 130, 9 Mr 03
- u **Wash.** Amending Ann. C. & S. '97 §2346-47 relating to term of office of school directors. 117, 16 Mr 03
- v **Wis.** Amending S. '98 §698 changing dates for election and beginning of official term of superintendent of schools chosen for each superintendent district in counties; county board of supervisors to fix salary.. 307, 18 My 03
- w **Wis.** Providing for appointment of superintendent of schools in cities under 40,000; qualifications; duties. 360, 20 My 03

2232

**Buildings. Grounds**2233 **Construction. Sites. General**

- a **Ark.** Officers of special and common school districts may insure buildings. 47, 3 Mr 03
- b **Ark.** Special free school districts may borrow money for building purposes and mortgage school property as security. 85, 17 Mr 03
- c **Id.** School districts may issue coupon bonds not exceeding 8% [formerly 4] of taxable property for construction of schoolhouses. Amending '01 p.12. p.344, 5 F 03



- d Ind. Board of school trustees in incorporated city or town may issue 5% bonds, to purchase land, repair or build schoolhouses; submission to voters if debt exceeds 3/4% of taxable property. 200, 9 Mr 03
- e Kan. Amending G. S. '01 §6136 relating to appraisement of schoolhouse before change of site. 427, 12 Mr 03
- f Kan. Site of schoolhouse valued at less than \$400 may be changed by majority vote of electors; appraisement. Amending G. S. '01 §6129-30. 428, 13 Mr 03
- g Me. Schoolhouse lots and playgrounds to be fenced by town or city. Amending R. S. '83 ch.11 §57, '01 ch.211. 142, 24 Mr 03
- h Mich. Voters of school district may vote to enlarge schoolhouse site. Amending §4728-31, 4733, 4736. 182, 4 Je 03
- i Mo. School district may issue bonds or increase rate of taxation to purchase schoolhouse site and furnish buildings. Adding §9752a to R. S. '99. p.266, 23 Mr 03
- j N. J. Municipalities or school districts may levy school tax for purchase of lands or building of schoolhouses; bonds to 3% of property valuation; provisos. 74, 26 Mr 03
- k N. M. School district outside of incorporated city or town may use surplus moneys in school fund to construct buildings; procedure. 37, 12 Mr 03
- l N. Y. Board of education of union free school district over 5000 may designate site without vote of electors. Amending consolidated school law '94 ch.556 t.8 §15. 112, 31 Mr 03
- m Okl. Amending S. '03 §6157 relating to condemning of land for school buildings: hearing; proceedings in cities over 2500. 31 art.1, 17 F 03
- n U. School trustees to advertise for bids for erection of schoolhouse for at least 20 [formerly 30] days. Amending R. S. '98 §1890. 65, 12 Mr 03
- p Wash. In case of dispute with owner price of property selected for school purposes to be fixed by agreement of 10 out of 12 jurors impaneled by Superior Court for this purpose or by court, if jury is waived. 111, 16 Mr 03
- q Wis. In cities of 10,000 to 40,000, board of education to have charge of erection of school buildings; specifications; contract; payment. Adding subdiv. 118a to S. '98 §925. 127, 28 Ap 03
- 2235 Sanitation
  - a Pa. Providing for disinfection of school buildings and colleges at regular intervals under direction of local and state boards of health. 132, 14 Ap 03
- 2236 United States flag
  - a Ari. United States flag to be provided for each school building. 19, 13 Mr 03
  - b N. H. School boards to purchase flags for schoolhouses at city or town expense not exceeding \$10 apiece. Adding §8 to P. S. ch.92. 39, 3 Mr 03
  - c Wy. School district trustees to place flags on schoolhouses. 83, 23 F 03

237

**General school finance**For finances of state educational institutions, *see* 2322

239

**State and local**240 **Funds. Lands. Taxes***See also* Public lands, 773

- a **Ct.** Amending G. S. '02 §160 relating to deeds, mortgage releases and judgment liens pertaining to school fund. 73, 6 My 03
  - b **Del.** Amending '01 ch.112 §2 relating to school fund: annual appropriation \$132,000 [formerly \$120,000]; teachers limited to 165 [formerly 110] in district. 339, 17 Mr 03
  - c **Kan.** Amending G. S. '01 §6347 relating to sale of school land. 477, 12 F 03
  - d **Kan.** County clerk to transmit annually to state auditor report of leases of school land; fees. 478, 4 Mr 03
  - e **Minn.** Amending '99 ch.352 §9, 28 relative to annual appropriations to schools. 184, 14 Ap 03
  - f **Neb.** Amending C. S. '01 §4911 relating to forfeiture of lease or purchase of educational lands for nonpayment of rent or interest. 100, 7 Ap 03
  - g **N. J.** Transferring sinking fund to permanent school fund of state. 187, 8 Ap 03
  - h **N. M.** Territorial auditor annually to levy 2 [formerly 3] mill tax for school purposes. Amending C. L. '97 §1537. 108 §10, 19 Mr 03
  - i **N. C.** Establishing state literary fund, comprised of designated state funds, to be used as loan fund for building schoolhouses; provision for loans and collection by county boards of education; incorporation of Board of Education enabling it to hold property. 567, 9 Mr 03
  - j **N. D.** Board of University and School Lands to set apart part of income from sale and lease of lands granted to state institutions as sinking fund for payment of bonds of said institutions; investment; regulations. 184, 10 Mr 03
  - k **Or.** Providing for selection and sale of indemnity school lands. p.308, 24 F 03
  - l **Tenn.** Unexpended balances in state treasury to be appropriated for school purposes; apportionment by comptroller of treasury. Repealing '99 ch.8 §3, '01 ch.171. 105, 11 Mr 03
  - m **Wash.** School lands may not be sold for less than appraised value when such value plus price of timber exceeds \$10 an acre. Amending '97 ch.39 §11. 74, 12 Mr 03
  - n **Wis.** Providing for  $\frac{1}{16}$  [formerly 1] mill tax for school purposes; apportionment. Amending S. '98 §554, 1072a. 313, 15 My 03
- 2241 **Investment of funds**
- a **Cal.** Proceeds of sale of state school lands may be invested in bonds of cities, towns or school districts. Amending P. C. §680. 41, 26 F 03

- b Ind. Loans of principal of school funds on perishable improvements on real estate to be secured by mortgage and insurance. Amending '01 ch.94 §3. 53, 28 F 03
- c Kan. State treasurer to notify state school fund commissioners when state warrants are issued; commissioners to invest school fund therein. 54, 26 Je 03
- d Kan. Amending G. S. '01 relating to investment of moneys of school, university and normal school funds. 73, 11 Mr 03
- e Kan. Amending '79 ch.160 §1 authorizing Board of School Fund Commissioners to exchange bonds of school district for funding bonds of same district. 74, 10 Mr 03
- f Minn. Submitting amendment to Constitution art.8 §6: permanent school and university funds may be invested in indebtedness of localities unless bonds purchased make bonded indebtedness exceed 15% [formerly 7%] of assessed valuation. *Vote November 1904.* 25, 3 Mr 03
- g Minn. Permanent school and university funds may be invested in 3% county drainage bonds; payment of principal and interest. Amending '97 ch.83 §8. 183, 14 Ap 03
- h Mo. Relating to renewal of certificates of indebtedness to seminary and school funds at maturity; investment of moneys of funds. Repealing R. S. '99 §10527-32. p.276, 11 Mr 03
- i Mon. Board of Land Commissioners may invest moneys of normal school bond fund in state, county, city or school district securities. 47, 3 Mr 03
- j Mon. Relating to investment of normal school bond fund. 91, 5 Mr 03
- k N. Y. Moneys of common school and literature funds may be invested in judgments or awards of Court of Claims. Amending state finance law '97 ch.413 §81. 350, 6 My 03
- l N. D. Referring to Legislature of 1905 amendment to Constitution §162 authorizing investment of school funds in *county, township or municipal bonds*. p.294, 24 F 03
- m Or. Land Board to invest unexpended balances of school funds; 20 year, 5% school district bonds or warrants preferred; biennial report to Legislature. p.21, 12 F 03
- n S. D. Submitting amendment to Constitution art.8 §11: school funds may be invested in *county, township or city bonds*; no loan to exceed \$5000 or one third [formerly one half] valuation of land covered by mortgage; interest charge not less than 5% to be fixed by Legislature. *Vote November 1904.* 99, '03
- p S. D. Amending P. C. '03 §402 relating to investment of school funds: loans to draw 5% [formerly 6] interest. 211, '03
- q Wash. Amending '97 ch.89 §69 relating to investment of moneys of permanent school fund. 95, 14 Mr 03
- 2242 Apportionment
  - a Cal. Amending P. C. §1858 relating to apportionment of school moneys. 113, 11 Mr 03

- b Ct.** Towns under \$500,000 valuation levying 4 mill school tax to receive state aid to sum of \$25 per capita; grant to be used for teachers wages; procedure. 102, 15 My 03
- c Ga.** County boards of education may draw unused school funds to their credit in state treasury. p.65, 17 Ag 03
- d Mass.** School fund apportionment to be used only for maintenance; basis of apportionment among towns. Repealing R. L. ch.41 §4-5. 456, 23 Je 03
- e Minn.** Common school districts in incorporated villages and cities, not entitled to state aid as high school, graded school or semigraded school may receive aid as rural school. Amending '89 ch.352 §22. 361, 21 Ap 03
- f Minn.** State apportionment to graded, semigraded and rural schools \$550, \$250 and \$125 [formerly \$400, \$200 and \$100] respectively. Amending '99 ch.352 §14, 19, 25. 366, 21 Ap 03
- g N. C.** Amending '99 ch.637, '01 ch.543 relating to apportionment of \$100,000 annual appropriation for public schools; salaries of teachers; percentage of fund allowed for buildings; reports. 751, 9 Mr 03
- h Vt.** In order to equalize school taxes and privileges, state superintendent of schools, state treasurer and examiner of teachers of Washington county to form board for distributing \$15,000, reserved annually from state school tax, among towns levying 5 mill school tax. 30, 2 D 02
- i Wis.** Graded schools in districts receiving special state aid must maintain average daily attendance of 15 in 3 [formerly all] departments of 1st grade and 2 departments of 2d grade schools. Amending '01 ch.439 §9 subdiv. 2. 285, 15 My 03

#### 2243 County, district and municipal

#### 2244 General. Accounts. Miscellaneous regulations

- a Ark.** Repealing '99 ch.115 relating to registration and payment of school warrants. 41, 24 F 03
- b Cal.** Minor amendment to P. C. §1817 relating to annual report of county superintendent to board of supervisors in regard to county school fund. 146, 16 Mr 03
- c Cal.** Minor amendment to P. C. §1818 relating to levy of county school tax. 278, 24 Mr 03
- d Ct.** Amending G. S. '02 §2224 as to signing of orders drawn for payment of school expenses. 59, 6 My 03
- e Fla.** Treasurer of county school fund to receive same commission as county treasurer receives for handling county funds. 77, 30 My 03
- f Fla.** Submitting amendment to Constitution art.12 §8: counties to levy annual school tax of 3 to 7 [formerly 5] mills. *Vote November 1904.* p.637, 13 My 03
- g Ga.** Submitting amendment to Constitution art.8 §4 ¶1: counties [formerly on recommendation of 2 grand juries], *militia districts*, *school districts* and municipal corporations may be authorized to

- maintain public schools by local taxation, on two thirds vote [formerly of qualified voters] of persons voting at special election therefor. *Vote October 1904.* p.23, 17 Ag 03
- h** **Id.** Amending '99 p.85 §42, 84 limiting special tax levied by school district to 15 [formerly 10] mills. p.430, 6 Mr 03
- i** **Id.** Proceeds of fines and forfeitures to be paid into county school fund. p.433, 9 Mr 03
- j** **Kan.** Board of education in cities of 2000 to 15,000 to levy annual school tax limited to 15 mills: clerk of board to certify tax to county clerk and clerk of city council; certain cities exempted. Amending G. S. '01 §6313. 40, 26 Je 03
- k** **Me.** Amending R. S. '83 ch.11 §6 relating to expenditure of common school funds by towns raising same. 165, 26 Mr 03
- l** **Me.** Towns incorporated since 1788, failing to account for permanent school fund arising from school lands, to raise \$45 annually besides school tax. 177, 27 Mr 03
- m** **Mo.** Relating to depositories of funds of city, town and village school districts. Adding §9879a to R. S. '99. p.269, 23 Mr 03
- n** **Mon.** Providing for apportionment of school moneys to remote sections of school districts where schools are maintained for benefit of children in section. Amending P. C. §1757. 81, 5 Mr 03
- p** **Neb.** County commissioners may apportion balance remaining to credit of precinct to school districts in precinct. Amending C. S. '01 §2275. 34, 8 Ap 03
- q** **Neb.** Minor amendment to C. S. '01 §4742 relating to notification of school district officers on failure to send in report of taxes to county superintendent. 87, 11 Mr 03
- r** **Neb.** Minor amendment to C. S. '01 §4822 relating to tax levy and bond issue in city school districts. 94, 14 Ap 03
- s** **N. J.** Amending '02 ch.36 §64 relative to disbursements by district boards of education; comptroller or auditor of municipality to serve as auditor of school district. 88, 26 Mr 03
- t** **N. M.** Limiting district school tax to 7½ [formerly 5] mills. Amending C. L. '97 §1534. 72, 17 Mr 03
- u** **N. M.** School district may levy special 7½ [formerly 5] mill tax for sinking fund and additional buildings. Amending C. L. '97 §1543. 74, 17 Mr 03
- v** **Or.** County school superintendent to make apportionment of school funds of state and counties on 1st Monday in October. p.99, 17 F 03
- w** **Or.** Annual county school tax [formerly 5 mills] to aggregate \$6 for each child from 4 to 20 years; proviso. Amending Ann. C. & S. §3374. p.214, 24 F 03
- x** **Pa.** Relating to collection of school taxes: collectors to report monthly to secretary of school board; annual meeting of school directors and collectors. 168, 21 Ap 03
- y** **Pa.** Liquor license money to be paid to school districts in townships where roads are maintained by taxpayers pursuant to '93 ch.322. 191, 22 Ap 03

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- z** **S. C.** Amending C. C. §1239 as to deposit of school book fund by county superintendent of education. 31, 20 F 03
- 21** **S. D.** Amending P. C. '03 §2417 limiting district school tax to 25 [formerly 20] mills. 75, 9 Mr 03
- 22** **S. D.** School tax not to exceed 25 [formerly 20] mills. Amending P. C. '03 §2139. 131, 12 Mr 03
- 23** **Wash.** School tax in cities over 10,000 may not exceed 1% of taxable property, or 2% by unanimous vote of directors. Amending '97 ch.118 §98. 109, 16 Mr 03
- 24** **Wash.** In districts in cities over 10,000 school tax may not exceed 1% unless directors by unanimous vote decide on greater levy, not exceeding 2%. Amending '97 ch.71 §63. 165, 16 Mr 03
- 25** **W. Va.** Board of education of school district may call special election to levy school tax on petition of 20 voters of district. 29, 23 F 03
- 26** **Wy.** Limiting district school tax to 5 mills in districts having valuation of \$200,000 to \$5,000,000 [formerly \$3,000,000]. Amending R. S. '99 §531 ¶5. 63, 20 F 03
- 2245 Debts**
  - a** **Cal.** School bonds may not run more than 40 [formerly 10] years. Amending P. C. §1882, 1885. 37, 26 F; 39, 26 F 03
  - b** **Kan.** Boards of education in cities over 15,000 may issue 20 [formerly 30] year refunding bonds at interest not exceeding 5% [formerly 6]. Amending '79 ch.81 §3. 79, 11 Mr 03
  - c** **Kan.** Merged school district may by vote of directors or of electors refund school bonds. 430, 4 Mr 03
  - d** **Kan.** Amending G. S. '01 §6319 relating to bonds of school districts: interest may not exceed 6% [formerly 10]; issues in cities of 2000 to 15,000. 434, 10 Mr 03
  - e** **N. Y.** Board of education of union school district may borrow money for current expenses in anticipation of taxes. Adding subdiv. 16 to consolidated school law '94 ch.556 t.8 §15. 233, 24 Ap 03
  - f** **Or.** Legal voters of school district to decide by majority vote how school bonds shall be negotiated and sold. p.331, 26 F 03
  - g** **S. D.** School corporations may issue bonds to 5% [formerly 3] of assessed valuation. Amending P. C. '03 §2426. 129, 9 Mr 03
  - h** **Tex.** Amending R. C. S. art.3995 and adding art.3995a-b relating to bond issues of towns organized for school purposes: investment of sinking funds; refunding bonds. 130, 1 Ap 03

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## Teachers

- a** **Me.** Town superintendents of schools to examine, issue certificates and employ teachers subject to superintending school committee. 184, 28 Mr 03
- 2250 Teachers associations**
  - a** **Me.** Teachers with approval of state superintendent may suspend schools for 2 days during state teachers convention. Amending '85 ch.273 §2. 58, 6 Mr 03

- b **Vt.** Appropriating \$200 for annual meeting of State Teachers Association. 28, 20 N 02
- 2252 **Employment. Pay. Pensions**
  - a **Fla.** Regulating temporary absences of teachers. 102, 28 My 03
  - b **Vt.** School directors to employ [formerly and discharge] teachers and fix compensation *by majority vote*. Amending S. '94 §673. 26, 12 D 02
- 2253 **Appointment and dismissal**
  - a **R. I.** State commissioner of public schools, in case of town or city employing teachers without certificate from Board of Education, to deduct salary paid by town or city from state appropriation. Amending '98 ch.544 §9. 1114, 17 Ap 03
- 2254 **Salaries**
  - a **Ind.** Amending '01 ch.245 relating to minimum salaries for public school teachers. 242, 11 Mr 03
  - b **Pa.** Minimum salary of teachers in districts receiving state aid. \$35 a month. 118, 9 Ap 03
- 2255 **Pensions**
  - a **Cal.** Generally amending '01 ch.230 relating to teachers annuity and retirement fund. 231, 20 Mr 03
  - b **N. J.** Teachers after 40 years continuous service to be retired on half pay on application to district school board. 16, 5 Mr 03
- 2256 **Qualifications. Examinations. Certificates**
  - a **Mon.** Amending P. C. §1840 relative to qualifications of teachers. 79, 5 Mr 03
  - b **U.** Person afflicted with serious infectious or hereditary disease may not teach in public schools; county teachers examinations to follow rules of State Board of Education. Amending R. S. '98 §1705, 1795, 1798 and 1921. 87, 12 Mr 03
- 2258 **Examinations and certificates. General**
  - a **Ark.** Amending S. '94 §7009 relating to licensing of teachers: examination; certificate; professional license; state license. Amending S. '94 §7009. 52, 1 Je 03
  - b **Col.** Amending '95 ch.104 §15 relative to examination of teachers: examination in state Constitution required; additional places for examination; date. 105, 11 Ap 03
  - c **Fla.** Providing for certification of teachers: grades of certificates; to become valid in another county by indorsement; revocation; fees. 99, 21 My 03
  - d **Kan.** Amending G. S. '01 §6205-10 relating to qualifications for different grades of teachers certificates: compensation of county board of examiners; renewal of certificates. 424, 28 F 03
  - e **Kan.** Amending G. S. '01 §6208 authorizing county superintendent to indorse certain unexpired teachers certificates issued in other counties. 425, 1 Mr 03
  - f **Mich.** Amending C. L. '97 §4811 as to dates for holding county examinations for teachers. 95, 7 N 03

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- g Okl.** Amending S. '03 §6202 relating to appointment of county board of examiners: compensation; qualifications. 31 art.2, 14 Mr 03
- h S. D.** Amending P. C. '03 §2293-96 relating to county teachers certificates: state superintendent of public instruction to issue 1st and 2d grade certificates; county superintendent [formerly state superintendent] may issue 3d grade certificates; validity of certificates; revocation. 126, 3 Mr 03
- i S. D.** Amending P. C. '03 §2286-90 relating to state certificates and diplomas: qualifications of teachers. 132, 13 Mr 03
- j Tex.** Amending R. C. S. art.3973d, 3974, 3978 relating to teachers certificates: date of examination; requirements; exemptions from examination. 41, 19 Mr; 110, 3 Ap 03
- k Vt.** Generally amending S. '94 ch.35 relating to teachers certificates: normal school and college graduates; examinations; limited and unlimited certificates. 25, 11 D 02
- l Wis.** County superintendent may limit 2d grade certificates to 1 year, removing limitation on evidence of 6 months' successful teaching. Amending '01 ch.439 §1. 5, 3 Mr 03
- m Wis.** Providing for issue of certificates to primary teachers in certain cases without examination. 222, 9 My 03
- n Wy.** Amending '01 ch.57 §2, 3 relating to teachers certificates; 3d grade certificates not to be issued twice to same person; 2d grade certificate entitles holder to teach 3 [formerly 2] years; no renewal certificate without examination; county superintendents may be nominated for State Board of Examiners. 90, 23 F 03
- 2259 State credentials**
- a Me.** Minor amendment to '95 ch.152 §4 relating to state examination of teachers. 57, 6 Mr 03
- b U.** State Board of Education may issue temporary certificates of high school grade. Amending R. S. '98 §1764. 117, 17 Mr 03
- 2261 Certificates to college and normal school graduates**
- a Del.** County superintendent may grant graduate of normal school or college certificate to teach for 1 year without examination; proviso. 340, 17 F 03
- b Mich.** Amending C. L. '97 §4804 whereby regents of State University *may* [formerly *shall*] grant certificates to teachers in certain cases. 213, 16 Je 03
- c Neb.** Restricting granting of state teachers certificates to colleges with \$100,000 [formerly \$50,000] endowment. 89, 2 F 03
- 2262 Special requirements**
- a Wis.** Requirements for certificate to teach manual training or domestic science. 64, 3 Ap 03
- b Wis.** Amending '01 ch.347 §1 relating to certification of kindergarten teachers. 69, 3 Ap 03
- 2262(5) Success grade**
- a Ind.** City, town and county superintendent to issue annually a success grade to each teacher based on schedules provided by state superintendent of public instruction; appeal to state superintendent. 161, 9 Mr 03



## 2263

## Institutes

- a **N. H.** Amending P. S. ch.92 §21 relative to attendance of public school teachers at teachers institutes: withdrawing provisions that schools may be closed therefor. 29, 25 F 03
- b **N. M.** County appropriation for county institutes; Territorial Board of Education may issue course of study. 120, 19 Mr 03
- c **W. Va.** Amending C. ch.45 §30 relating to teachers institutes: to be held week preceding school term; compulsory attendance; fees; examinations on institute work; exemptions. 25, 27 F 03

## 2264 Training classes

- a **Wis.** Counties may unite to establish joint training school for teachers; apportionment of cost; admission; collection of tuition of nonresidents; state aid limited to 8 [formerly 6] county training schools. Amending and supplementing '01 ch.373. 338, 20 My 03

## 2265 Summer schools

- a **Fla.** Providing for summer training schools both for white and colored teachers; state superintendent of public instruction to designate times and places and report to Legislature of 1905. 103, 1 Je 03
- b **Neb.** Junior normal schools, 3 to 5 in number, with 10 weeks' course, to be held in designated places between June 1 and Sep. 1; public school buildings, books and apparatus to be used; management by state superintendent of public instruction; credits; \$12,000. 91, 26 Mr 03
- c **Vt.** Amending S. '94 §598 as to union summer schools for 2 or more counties; and §602 by providing that where no institute or summer school is held, superintendent of education may hold series of educational meetings, expense not to exceed present allowance for institutes or summer schools. 29, 4 D 02

## 2266

## Normal schools

- a **Cal.** Amending P. C. §1492 relating to Joint Board of Normal School Trustees: members; meetings; admission of students to normal schools. 145, 16 Mr 03
- b **Del.** County school commissions may spend annually \$1000 to aid normal school pupils intending to teach, to amount of \$2 a week a pupil; regulations. 341, 26 Mr 03
- c **Id.** State superintendent of public instruction to be member of boards of trustees of Lewiston and Albion normal schools. p.222, 10 Mr 03
- d **Kan.** Fees of students attending State Normal School. 51, 6 Mr 03
- e **Mich.** Establishing Western State Normal School to train teachers for rural districts and primary grades; Board of Education to locate school on donation of site; \$30,000 for erection and equipment. 156, 27 My 03
- f **Mich.** Board of Education to prescribe courses of study in state normal schools, grant diplomas and issue certificates to graduates; proviso. 202, 10 Je 03

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- g Mich.** County normal training schools: state superintendent of public instruction on vote of district board of education and county board of supervisors may establish same, total number not exceeding 10 in state; county normal boards; powers and duties; apportionment of expense to district, county and state. 241, 18 Je 03
- h Mon.** Amending P. C. §1652, 1656 relating to *State Normal College* [formerly State Normal School of Dillon]: governor with advice of Board of Education to appoint executive board of 5 members; degree of bachelor of pedagogy to be conferred. 29, 25 F 03
- i Neb.** Providing for location and establishment of additional state normal school, grounds being donated; regulations as to proposals for donations; management by State Board of Education; \$50,000. 90, 8 Ap 03
- j N. H.** Trustees of State Normal School to hold office 5 [formerly 2] years. Amending P. S. ch.95 §2. 3, 3 F 03
- k N. J.** Establishing additional state normal school: State Board of Education to locate site; free tuition; board to report to Legislature annually; \$300,000. 96, 31 Mr 03
- l N. C.** State Board of Education to appoint managing board of directors for each state colored normal school. Amending '01 ch.565 §3. 740, 9 Mr 03
- m N. C.** Providing for establishment of State Training School for Teachers in western North Carolina; incorporators of Appalachian Training School to constitute board of trustees; \$2000 annual appropriation for maintenance; annual reports to state superintendent of public instruction. 798, 9 Mr 03
- n Vt.** Amending '98 ch.22 §3, 7 relative to Board of Normal School Commissioners: expense allowance of resident commissioners; removing minimum age restriction of normal school applicants. 24, 9 D 02
- p Va.** General law relating to management of State Female Normal School at Farmville: reorganization of board of trustees. 268, 16 My 03
- q Wis.** \$250,000 [formerly \$215,000] annual appropriation for normal school fund. Amending '01 ch.370. 135, 28 Ap 03

## Attendance

- a Me.** Amending '93 ch.216 §3 relating to maintenance of public schools by towns when average attendance is below 8 pupils. 66, 11 Mr 03
- b Minn.** Board of education in city over 50,000 constituting special school district may provide for conveyance of pupils living over 1 mile from schoolhouse. 40, 7 Mr 03
- c Minn.** Trustees of school district may arrange for instruction of children in, and transportation to, adjoining district. 61, 16 Mr 03
- d Mon.** Amending '01 p.121 relative to transfer of pupils from one school district to another. 26, 24 F 03
- e Mon.** Trustees of school district may use school moneys for transporting pupils to another district and paying tuition. 68, 5 Mr 03

- f **N. Y.** School district may use state apportionment of moneys for conveying children from remote part of district to consolidated school law '94 ch.556 art. 14 subdiv. 14. 175. 14
- g **N. Y.** Amending consolidated school law '94 ch.556 art. 14 quota of district contracting for instruction of child in another district. 175. 14
- h **Pa.** Children in districts having graded courses of study attend schools of higher grade in other districts, districts to set conditions. 108. 3

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### Compulsory attendance. Truancy

*See also Employment of children, and*

- a **Cal.** Children 8 to 14 to attend school 5 months [former thirds] of school term, 18 [formerly 12] weeks being consecutive; exemptions; penalties; appointment of attendance officers; habilitants; procedure; boards of education may establish parental schools; special tax levy. Amending '74 ch.510. 170. 24
- b **Col.** Compulsory attendance of children 8 to 16 [formerly in public, private or parochial school, during entire period of school session, in all school districts [formerly of 1st and 2d children prepared to enter high school excepted; provisions subject of school district to grant exemption permits, application to be renewed within 3 months. Amending '99 ch.190 art. 1. 121. 1
- c **Ct.** Children between 14 and 16 may be compelled to attend when schooling deemed insufficient for employment; school trustees, committee, or town and district board of education. 120. 12
- d **Ill.** Compulsory attendance of children 7 to 14 for entire school term for less than 110 days' teaching [formerly 10 weeks; 10 weeks consecutive attendance]; fine \$5 to \$20 [formerly \$1 to \$10] etc. Amending R. S. for ch.122 §313-14, 317. 1308. 13
- e **Kan.** Children 8 to 15 [formerly 14] to attend public school during entire session [formerly 12 weeks]; classification of truant districts; appointment of officers; bi-monthly reports of truancy by teachers to county superintendent; board of education. Amending G. S. for §200. 123. 11
- f **Me.** Amending '99 ch.64 §3 relative to election of truant officers. 64. 10
- g **Me.** Minor amendment to '01 ch.185 §1 relating to compulsory attendance. 140. 24
- h **Mass.** Member of board of trustees or county commission may release child on account of death or illness relative. Amending R. L. ch.46 §9. 308. 4

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- i **Mass.** Amending R. L. ch.46 §3-5, 10 relating to commitment of habitual truants, absentees and school offenders. 330, 7 My 03
- j **Mon.** Amending P. C. §1920-25 and adding §1925a-s relating to compulsory education: children 8 to 14, also children 14 to 16 not employed, to attend public, private or *parochial* school during entire session, not less than 16 [formerly 12] weeks a year, *from 1st week of term*; truant officers; habitual truants to be deemed juvenile disorderly persons; proceedings; commitment to industrial schools; establishment; administration; support. 45, 3 Mr 03
- k **Neb.** Children 7 to 15 [formerly 14] to attend public, private or parochial schools 12 consecutive weeks from beginning of school session; where session longer than 12 weeks, attendance required for two thirds of time; exemptions; blind or deaf children 7 to 18 to attend Institute for Blind or School for Deaf; monthly reports by private and parochial schools to county superintendent and *director of school district*; county superintendent to have supervision of district truant officers. Amending C. S. '01 §4853-54. 95, 8 Ap 03
- l **N. H.** Compulsory school attendance of children 14 to 16 unable to write legibly and read and write English; fine. Amending '01 ch.61 §14. 13, 17 F 03
- m **N. M.** Children 7 to 14 [formerly 5 to 16] to attend public, private or *denominational school*; free textbooks for indigent pupils; enforcement; penalties. Amending C. L. '97 §1555. 39, 12 Mr 03
- n **N. Y.** Compulsory school attendance: children of 8 to 14 [formerly 12] to attend school during term; in cities over 50,000 boys of 14 to 16 may not be employed unless they have graduated from public elementary schools or hold certificates issued by Regents of University or Department of Public Instruction or attend evening school; requirements in other schools; Courts of Special Sessions or *police magistrates* to have jurisdiction; truants; penalties. Amending consolidated school law '94 ch.556 t.16 §2-9. 459, 7 My 03
- p **N. D.** Amending R. C. '99 §759, 761 relative to compulsory education: exemptions; truant officers may be employed in cities over 5000. 84, 10 Mr 03
- q **Wash.** Compulsory attendance: children between 8 and 15 to attend public or private school at least 4 months; 5 months in graded schools in incorporated places; grounds on which superintendent may excuse; reports of attendance; parents may be required to give bond to send children to school; penalties. 48, 7 Mr 03
- r **Wash.** Making attendance at schools maintained by United States or state compulsory for children eligible to attend; exceptions. 77, 10 Mr 03
- s **W. Va.** Amending C. ch.45 §10a relating to compulsory school attendance from 8 to 14 years for 20 [formerly 16] weeks yearly; \$2 for 1st, \$5 for subsequent offense; 2 [formerly 5] days' absence constitutes offense; board of education to appoint truant officers; monthly report to sheriff. 26, 2 Mr 03

- t **W. Va.** Amending C. ch.45 §27-29 providing for uniform system of teachers examinations prescribed by state superintendent of free schools; examinations given by county boards; fee \$2 [formerly \$1]; grading of certificates by state superintendent. 27, 27 F 03
- u **Wis.** Compulsory school attendance of children from 7 to 14 [formerly 13], also of children from 14 to 16, not regularly employed; appointment of truant officers to enforce law; increase of fines. Amending S. '98 §439a, 439b and repealing §439c. 189, 11 My 03

#### 2271 Holidays

- a **Wis.** General election day taken from list of school holidays. Amending S. '98 §459. 326, 20 My 03

#### 2272 Place of attendance. Conveyance of pupils. Consolidation of schools

*See also Consolidation of districts, 2227*

- a **Ct.** On discontinuing school, town to provide schooling by transportation or otherwise for pupils, 7 to 16. 210, 18 Je 03
- b **Ct.** Apportioning school expense of children at county homes or placed out in families. 211, 18 Je 03
- c **Ga.** Children may attend school in adjoining county if more accessible. Amending C. §1378. p.33, 15 Ag 03
- d **Ind.** Dependent children in local custodial institutions to be educated by township trustee or school board where institution is located; school corporation of legal settlement to pay tuition not exceeding \$1.50 a month; tuition adjusted by state superintendent of public instruction. 8, 6 F 03
- e **Mass.** State Board of Education may furnish transportation to school to children living on islands without schools; exception. 483, 26 Je 03
- f **Mich.** School districts may levy tax to pay transportation of pupils to and from school. Amending C. L. '97 §4665. 10, 24 Mr 03
- g **Or.** District school boards, on majority vote, to furnish transportation to pupils living 2 miles distant from building, or pay board of pupils in vicinity; boards may suspend school and transfer pupils to adjoining school, paying tuition of same. p.73, 16 F 03

#### 2273 School age

- a **Tex.** Children between 7 [formerly 8] and 17 to be entitled to benefit of public school fund. Amending R. C. S. art.3905. 118, 1 Ap 03

#### 2274 School census

- a **Cal.** Amending P. C. §1636 relating to report of school census marshal. 87, 9 Mr 03
- b **Ct.** Amending G. S. '02 §255 as to compensation of school enumerators in consolidated districts. 64, 6 My 03

## ADMINISTRATIVE LAW EDUCATION

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- c **Ct.** Enumeration for school purposes of children in county homes or placed out in families. 200, 22 Je 03
- d **Mich.** Amending C. L. '97 §4687 changing time of taking school census of district. 218, 16 Je 03
- e **N. H.** School census to be taken in *October* [formerly April]. Amending '95 ch.46 §1. 86, 24 Mr 03

1275 **School year, month, day**

- a **Ind.** School trustees may levy annual tax of  $\frac{1}{2}\%$  on property and 25c on each poll for supplementary tuition fund to extend school term. 221, 9 Mr 03
- b **Kan.** Providing for 5 [formerly 4] months school: districts required to levy more than  $\frac{2}{3}\%$  [formerly 1] tax excepted. Amending G. S. '01 §6424-26. 431, 10 Mr 03
- c **N. D.** School district not maintaining school for 4 months may not receive county or state apportionment. Amending R. C. '99 §714. 173, 5 Mr 03

1282 **Textbooks. Curriculum. General**1283 **Free textbooks**

- a **Minn.** In cities under 10,000 board of education may provide free school textbooks; on petition of 25 voters board to provide such books or request council to submit question to electors. 314, 21 Ap 03
- b **Mo.** Submitting amendment to Constitution art.10 by adding §27: annual tax of  $\frac{1}{2}$  mill to be levied to supply schools with textbooks. *Vote November 1904.* p.281, '03
- c **U.** Amending R. S. '98 §1818 as to free school textbooks. 60, 12 Mr 03
- d **W. Va.** Boards of education may provide free textbooks from building funds; purchase, distribution and use. 28, 28 F 03

1284 **Uniformity**

- a **Cal.** Regulating publication and use of state series of uniform school textbooks for primary and grammar grades; creating State Textbook Committee; *committee* [formerly Board of Education] to adopt, compile, manufacture and distribute same *on approval of Board of Education*; textbooks to be used for period of 4 to 8 years. Amending P. C. §1874. 173, 18 Mr 03
- b **Ga.** Board of Education constituted Schoolbook Commission; examining committee; commission to adopt uniform series of textbooks and make 5 year contract for same; contractor to maintain depositories; \$1000. p.53, 13 Ag 03
- c **Ind.** State Board of Schoolbook Commissioners may adopt a reading primer. 51, 28 F 03
- d **Mon.** State Textbook Commission, to consist of 7 members appointed by governor for 4 years; to adopt and contract for uniform textbooks on competitive bids; no change may be made within 4 years; textbooks to bear union label; school districts to vote on

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## N. Y. STATE LIBRARY SUMMARY OF LEGISLATION 1903

- question; [replacing Board of Textbook Commissioners created by '97 p.61]. 116, 122, 7 Mr 03
- e **N. C.** Amending '01 ch.1 §13 as to county agencies to supply uniform school textbooks; attorney general to prosecute. 691, 9 Mr 03
- f **Tenn.** Amending '99 ch.205 fixing term of Textbook Commission at 5 years; per diem allowance limited to 60 [formerly 30] days. 209, 20 Mr 03
- g **Tex.** Creating Textbook Board: to adopt and contract for uniform series of textbooks; [replacing board created by '97 ch.164]. ex. sess. 12, 15 My 03
- h **U.** On expiration of contract for supply of school textbooks, state superintendent to call convention *consisting of state superintendent, county superintendents and principal of normal school* to provide for new contract. Amending R. S. '98 §1855, 1858. 10, 14 F 03

2287

## Branches. Courses

2288

## General. Miscellaneous

- a **Ari.** School districts of 1000 may employ teachers of music or drawing; examination not required. 46, 19 Mr 03
- b **Ark.** Superintendent of public instruction to prepare graded course of study for common schools; completion of course to entitle student to diploma. 93, 20 Mr 03
- c **Ga.** Providing for teaching of elementary agriculture and civil government in common schools. p.64, 15 Ag 03
- d **Tex.** Providing for instruction in mental arithmetic, civil government and Texas and United States history in public schools; instruction in kindness to animals and protection of birds to be given in primary grades. Amending R. C. S. art.3909a. 140, 1 Ap 03

2290

## Arbor and Bird day

*See also* 1598 (legal holiday); 1891 (2) (forestry)

- a **Id.** County superintendent to set aside day in April as Arbor day. p.215, 10 Mr 03

2294

## Civics

- a **Ct.** Duties of citizenship to be taught in public schools; State Board of Education to prepare outline. 96, 15 My 03
- b **N. H.** Instruction in Constitution of United States and of New Hampshire required. Amending P. S. ch.96 §4, ch.92 §6. 31, 25 F 03

2300

## History

- a **Kan.** History of United States and Kansas to be taught in schools. Amending G. S. '01 §6196. 435, 12 F 03

2302

## Humane treatment of animals

- a **Mon.** Instruction in humane treatment of animals to be given in public schools. Amending P. C. §1861. 23, 24 F 03

## ADMINISTRATIVE LAW EDUCATION

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**Patriotic exercises**

Territorial superintendent of public instruction to prepare  
 patriotic programs for national holidays. 19, 13 Mr 03

**Pioneer day**

Mon. Designating the last Friday in May, Pioneer day, for  
 study of pioneer history in public schools; medal to be awarded  
 by State Board of Education for best essay. 88, 5 Mr 03

**Special kinds of schools**

*See also* Deaf and dumb, blind, 2184; Normal schools, 2266; Military schools, 2306  
 Professional and technical education, 2342

III. State superintendent may permit district boards of educa-  
 tion to establish public school for crippled children, 6 to 21, with  
 average attendance of 15; state aid not to exceed \$150 a year;  
 qualifications of teachers. p.314, 13 My 03

1319

**Evening schools**

- a Ct. Amending G. S. '02 §2145 relating to evening schools in  
 towns of 10,000: on petition of 20 pupils over 14, instruction in  
 any high school study to be provided. 135, 3 Je 03
- b Minn. Board of education in independent school district may  
 maintain public evening schools. Adding subdiv.14 to S. '94 §3808.  
 357, 21 Ap 03

1321

**Kindergarten**

- a Okl. School officers of city, town, or school district over 2500  
 may establish kindergartens for children from 4 to 6; teachers to  
 be trained in kindergarten normal schools; kindergarten census.  
 31 art.4, 16 Mr 03
- b U. School districts over 2000 to maintain one or more kinder-  
 gartens. 114, 16 Mr 03

1323

**Lectures. University extension**

- a Pa. State superintendent of public instruction may employ  
 lecturers for summer educational assemblies. 241, 25 Ap 03

1327

**High schools and academies**

- a Ari. Amending R. S. '01 §2223, 2226 relative to union high  
 schools: board of education; applicants for admission to have com-  
 pleted 8th grade; superintendent of high school to supervise 8th  
 grade schools in union district. 39, 18 Mr 03
- b Col. Union high school districts may be formed in 4th and 5th  
 class counties; procedure; constitution of school board; annual tax;  
 admission; course of study. Supplementing '99 ch.100.  
 167, 11 Ap 03
- c Ct. Conveyance of children to high schools: towns maintaining  
 no high school to pay transportation to accredited high school;



## N. Y. STATE LIBRARY SUMMARY OF LEGISLATION 1903

- reimbursement by state to town of one half sum paid out; amount paid by state per scholar not to exceed \$20 yearly; procedure. 182, 18 Je 03
- d **Fla.** State superintendent of public instruction to appoint a committee to prepare standard course of study for high schools; on establishment, high schools maintaining 2 year course of instruction to receive \$360 each for 3 years, those maintaining 4 year course, \$600 each for 3 years. 101, 26 My 03
- e **Kan.** County high school may be established by *majority vote of electors* in counties over 6000 [formerly 2500]. Amending '97 ch.180 §1. 433, 28 F 03
- f **Me.** Towns not maintaining high schools of standard grade to pay tuition of pupils attending approved institutions elsewhere; annual tuition limited to \$30 each; state aid to one half amount paid by town, not to exceed \$250 a year. 68, 11 Mr 03
- g **Mich.** School district may vote to pay tuition and transportation of pupils to any designated high school, on completion of 8th grade work. 190, 4 Je 03
- h **Mo.** Providing for inspection, examination and classification of high schools by the state superintendent of public schools. p.264, 23 Mr 03
- i **Mon.** Amending '01 p.6 §2-3 as to election of trustees of county free high school. 69, 5 Mr 03
- j **N. H.** Amending '01 ch.96 §1, 4 relating to free tuition for non-resident pupils of high schools and academies: town liability for tuition not to exceed annually \$40 a pupil; approval of course of study by state superintendent. School district may contract with approved academy located within its limits to furnish instruction to pupils; such academy to be deemed high school maintained by district; regulations. Adding §6 to '01 ch.96. 118, 2 Ap 03
- k **Okl.** Amending S. '03 §6223, 6226 relating to county high schools: tax not to exceed 8 [formerly 3] mills; trustees to select sites and erect buildings. 31 art.6, 17 Mr 03
- l **S. D.** Establishing township high schools: election to be held on petition of 50 freeholders; election and organization of township board of education; board to establish high school; township to be school district; cooperation of townships; discontinuance and disposal of assets; annual school tax limited to 10 mills. 127, 9 Mr 03
- m **S. D.** Pupils on completion of 8th grade work may continue study through 12th grade in neighboring school; tuition to be paid by board of home district, where latter does not maintain higher grades. 132, 13 Mr 03
- n **Vt.** Free tuition of advanced pupils in high schools and academies; where town maintains neither, school directors to pay tuition of pupils attending high school or academy within or *without* state; in towns levying school tax of 4 mills excluding state tax, state aid to cover one fourth tuition; 5 mills, one half tuition; 6 mills, three fourths tuition; 7 mills, whole tuition; high school and academy defined; in case of disagreement superintendent of education to deter-

## ADMINISTRATIVE LAW EDUCATION

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mine standard and fix qualifications of pupils. Amending S. '94 §687, 700, '00 ch.22, 25. 27, 11 D 02

- p **Wash.** Superintendent of public instruction to prepare questions and prescribe rules for examination of pupils completing grammar school courses and grant certificate entitling holder to enter any high school in state. Amending '01 ch.49. 154, 16 Mr 03

- q **W. Va.** Repealing '01 ch.140 §13 abolishing preparatory department of West Virginia University. 52, 2 F 03

- r **Wis.** Electors of town organized as town free high school district may levy tax to purchase site, erect and equip building. Adding §495a to S. '98. ' 123, 24 Ap 03

- s **Wis.** Amending '01 ch.188 relating to free tuition for nonresident high school pupils: diploma or certificate from county superintendent required for admission; tuition charge a claim against place of residence; methods of collection. 329, 20 My 03

- t **Wis.** Amending S. '98 §491-92, '99 ch.57 relating to joint free high school districts: new town or village created in school territory to constitute with original town or village such joint district; officers; procedure. 345, 20 My 03

2328

## State aid

- a **Cal.** High school fund: annual tax levy amounting to \$15 per pupil in average daily attendance in duly established high schools; one third to be apportioned irrespective of number of pupils and the rest pro rata; equipment, course of study and school term required. 60, 2 Mr 03

- b **Ct.** Amending G. S. '02 §2239 relating to tuition of nonresident pupils in high schools and academies: Board of Education to approve high schools and academies giving instruction. 187, 18 Je 03

- c **Minn.** Annual state appropriation of \$750 [formerly \$500] to high schools giving special instruction in certain branches. Amending '95 ch.186 §2. 359, 21 Ap 03

- d **N. Y.** Providing for free tuition of nonresident pupils in school maintaining academic department approved by state superintendent of public instruction and by chancellor of University of State of New York; tuition limited to \$20 a pupil for school year of 32 weeks; payment to be made by comptroller on joint certificate of superintendent and chancellor. 542, 11 My 03

- e **N. D.** Aid for high schools: annual apportionment limited to \$10,000 [formerly \$4000]; High School Board [formerly or person appointed] to visit annually schools aided; powers. Amending R. C. '99 §870-72. 8, 19 Mr 03

2330

## Higher education

- a **N. M.** Territorial Board of Education may arrange for selection of candidates for Rhodes scholarships. r.13, 12 Mr 03

2332

## State institutions (general)

- a **N. M.** Higher educational institutions to make annual report to governor. 119 §18, 19 Mr 03

- b **Va.** General law relating to colleges, academies and other state educational institutions. 259, 16 My 03
- 2333 **Finance. Lands. Support**
  - See also* School finance, 2137; Public lands, 773
  - a **Ind.** Levy of  $2\frac{3}{4}$ c [formerly  $1\frac{1}{2}$ ] on \$100 for state educational institutions; apportionment; provisos. Amending '99 ch.183 §1-2. 81, 3 Mr 03
  - b **Kan.** Abolishing office of treasurer in the managing board of every state educational institution; warrants to be drawn on state treasurer by state auditor. 11, 11 Mr 03
  - c **Mass.** Providing annual appropriation to supplement income from technical education fund, United States grant. 109, 28 F 03
  - d **Okl.** Apportionment of funds from leasing of lands reserved for normal schools, agricultural college and university purposes. Amending S. '03 §5860. 26, 16 Mr 03
  - e **S. D.** Board of Regents of Education, authorized to erect buildings, may reserve part of appropriation to protect buildings from fire during erection. 198, 11 Mr 03
- 2335 **Admission. Scholarships. Tuition**
  - a **Mich.** *College or normal school* associations may be incorporated to establish scholarships for high school graduates in State University. Amending C. L. '97 §8157. 180, 4 Je 03
  - b **Mich.** Amending C. L. '97 §1888 as to matriculation and tuition fees in State College of Mines. 224, 18 Je 03
- 2336 **State universities. Colleges**
  - a **Cal.** Defining procedure for transfer to regents of State University of certain public lands acquired by tax sales. Adding §3898a to P. C. 139, 16 Mr 03
  - b **Col.** Annual tax levy for State University  $\frac{2}{5}$  [formerly  $\frac{1}{5}$ ] mill; \$100,000 to be expended for buildings during first 3 years. Amending Ann. S. '91 §4602. 178, 1 Ap 03
  - c **N. D.** Amending R. C. '99 §923-33 relative to North Dakota Academy of Science. 50, 10 Mr 03
  - d **N. D.** Designating 1 member of board of trustees of state university to hold office for life. Amending R. C. '99 §876. 189, 11 F 03
  - e **S. C.** *Majority* [formerly 9] of the trustees of South Carolina College a quorum for transaction of ordinary business. Amending C. C. §1262. 32, 2 Mr 03
  - f **Va.** Amending C. §1546, 1551 relative to board of visitors of State University; appointment, powers and duties of president; notice of appointment of president or professor; salaries. Amending C. §1546, 1551. 135, 7 Ap 03
  - g **Wis.** Terms of office of regents of State University to be extended till successors are appointed and qualified. Amending S. '98 §378, '01 ch.255 66, 3 Ap 03

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- h **Wis.** Amending S. '98 §379, 383a, 389 providing for custody of State University funds by state treasurer, and their disbursement on warrant of secretary of state. 260, 14 My 03
- i **Wis.** Additional state tax of \$48,500 for current expenses of State University; disposition. 344 §1, 20 My 03

2337

**Private institutions***See also* Corporations not for profit, 582

2340

**State supervision. Degrees**

- a **Ark.** Prohibiting educational institutions from conferring degrees on nonresident students or students taught by correspondence; institutions conferring degrees to be chartered by Board of Education. 90, 20 Mr 03

2342

**Professional and technical education**

For examination and licensing *see* Practice of law, 591; Medicine, 944; Dentistry, 948; Pharmacy, 949; Veterinary practice, 1588. *See also* Normal schools, 2266; Military schools, 2396

- a **Pa.** City council, with approval of mayor or recorder, may establish institutions for public instruction concerning commerce, manufacturing, mining and agriculture. 239, 25 Ap 03
- b **Va.** General law relating to management of Virginia Agricultural and Mechanical College and Polytechnic Institute, and Hampton Normal and Agricultural Institute. 312, 20 My 03
- c **Wis.** Amending '01 ch.288 §10 providing for county schools of agriculture and domestic economy: state aid for 4 [formerly 2] such schools, to *two thirds* [formerly one half] amount expended for maintaining school; total not to exceed \$4000 to any school in 1 year. 143, 2 My 03

2344

**Agricultural schools***See also* Agricultural experiment stations, 1828

- a **Ct.** Amending G. S. '02 §4397 relating to Agricultural College fund; custody; investment; duties of school fund commissioner. 170, 11 Je 03
- b **Ct.** Amending G. S. '02 §4398 relating to United States grant for agricultural colleges; payment to Connecticut Agricultural College. 176, 11 Je 03
- c **Fla.** Establishing Florida Agricultural Institute; board of control; to conduct model farm; also correspondence courses of instruction; provision for annual county institutes; board to locate institute in Osceola county on donation of site; biennial report to governor, to be published in report of commissioner of agriculture; \$5000 for equipment; \$5000 annual appropriation. 166, 4 Je 03
- d **Fla.** Name of Florida Agricultural College, established in 1870, changed to University of Florida. Amending R. S. '92 §278. 167, 30 Ap 03
- e **Wy.** Amending R. S. '99 §520, '01 ch.14, and repealing R. S. '99 §521 relative to investment of Agricultural College funds. 42, 19 F 03

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## N. Y. STATE LIBRARY SUMMARY OF LEGISLATION 1903

## 2347 Forestry

- a Pa. Commissioner of Forestry to erect buildings for instruction in forestry for forest wardens, at Mont Alto Reservation; \$16,000.  
295, 13 My 03

## 2348(5) Military

- a Fla. Name of South Florida Military and Educational Institute at Barstow changed to South Florida Military College; managing board reorganized; assignment of free scholarships; report. Amending '95 ch.13, '97 ch.54. 181, '03
- b Nev. Officers of cadets of State University to be commissioned. 112, 17 Mr 03
- c Vt. Graduates of Norwich University, the State Military College, to be commissioned as additional 2d lieutenants in National Guard. 31, 8 D 02
- d Va. General law relating to management of Virginia Military Institute; board of visitors. 264, 16 My 03
- e W. Va. Amending C. ch.145, §82 admitting 225 [formerly 144] cadets to military department of West Virginia University; each senator may appoint 2 cadets, each delegate 1, during term; rest of corps to be appointed by regents not to exceed 15 in senatorial district or 8 in county. 30, 31 Ja 03

## 2349 Mining

- a Nev. Creating Virginia City School of Mines; to be under direction and control of State Board of Education. 118, 20 Mr 03

## 2350 Technical and manual training

- a Ill. Master to allow indentured apprentice 3 consecutive months' attendance, free of charge, at manual training school where municipalities maintain same for apprentices. Amending R. S. '01 ch.9 §10. p.10, 15 My 03
- b Kan. City board of education, or school district meeting may levy tax for industrial training schools; state aid to equal amount raised by locality, not exceeding \$250; total appropriation for state limited to \$10,000 a year; course of study to be approved by State Board of Education; annual report to state superintendent of public instruction. 20, 4 Mr 03
- c Kan. Establishing Manual Training School at Pittsburg under direction of regents of State Normal School; certificates. 34, 21 F 03
- d N. C. Repealing '97 ch.521 granting annual appropriation to Normal and Industrial Institute of Elizabeth City. 31, 24 Ja 03
- e Pa. Cities of 100,000 to 1,000,000 may use part of any public park over 5 acres as site for technologic school partly under city control. 199, 23 Ap 03
- f Tex. Manual training: providing for instruction in normal schools; appropriation for equipment in certain public schools. 48, 21 Mr 03
- g Tex. Adding department of textile industry to Agricultural and Mechanical College; \$50,000. 54, 23 Mr 03

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## Libraries

BY WILLIAM F. YUST

- a **Wash.** Creating Library Commission; state librarian to serve as secretary of commission and to have charge of State Library; Advisory Board to advise commission relative to establishing free and traveling libraries and to managing historical department of State Library; abolishing State Library Commission created by '01 ch.43.

171, 17 Mr 03

354

## State libraries

- a **Ari.** Board of Curators of Territorial Library to elect annually one of its *members* to act as territorial librarian [formerly secretary of territory], and may employ assistant at \$50 a month. 85, 19 Mr 03
- b **Cal.** Amending P. C. §2293, 2295, 2298 to allow state librarian to appoint other assistants; to circulate State Library books to persons other than members of Legislature and state officers; to collect statistics and other library information for libraries within state; to enlarge system of foreign and domestic exchange of books; to bring suit for 3 [formerly 2] times value of lost book. 74, 3 Mr 03
- c **Ct.** \$2000 [formerly \$1000] annual appropriation for purchase of books for State Library. Amending G. S. '02 §4616. 81, 11 My 03
- d **Ct.** Salary of state librarian \$2500 [formerly \$1800]. Amending G. S. '02 §4811. 119, 21 My 03
- e **Del.** Salary of state librarian \$800 [formerly \$450]. Amending '98 ch.6. 289, 17 F 03
- f **Id.** Designating 7 commissioners to locate and erect Supreme Court building and library at Lewiston, on donation of site; bond issue; on completion, deputy clerk of Supreme Court to have charge; support of library; exchanges; commissioners to report to governor; \$15,000. p.42, 20 F 03
- g **Ill.** Salary of librarian of State Historical Society \$1200 [formerly limited to \$500]. Amending '89 p.199 §4. p.228, 15 My 03
- h **Ill.** State Historical Society to be a department of State Historical Library; latter to pay incidental expenses of society and cost of interviewing old settlers and examining local records; material so collected to be property of library. p.229, 16 My 03
- i **Ind.** State Library books not needed for reference may be loaned to any one in state on guaranty against loss and payment of transportation; salary of state librarian, \$1800 [formerly \$1500]; increased appropriation for salaries of assistants. Amending '95 ch.115. 80, 28 My 03
- j **Me.** Salary of assistant state librarian \$1200 [formerly \$800]. Amending '97 ch.318 §9. 205, 28 Mr 03
- k **Mich.** State librarian to purchase complete set of records and briefs of United States Supreme Court for State Law Library; \$5000. 92, 7 My 03

- 1 **Mich.** Salary of clerks in State Library limited to \$1000 [formerly \$800]. Amending C. L. '97 §1769. 167, 2 Je 03
- m **Minn.** Salary of state librarian \$2000; of *clerk* [formerly assistant] \$900; assistant librarian to be appointed by librarian with approval of Supreme Court at salary of \$1500; exchanges allowed; annual appropriation for State Library \$5200 [formerly \$2300] exclusive of salaries. Amending G. S. '94 §365-73. 272, 18 Ap 03
- n **Mon.** Unexpended funds of law department of State Library to be set aside for purchase of books. Amending P. C. §2389. 31, 26 F 03
- p **N. H.** Governor, with consent of Council, to appoint bipartisan committee of 5 members to formulate plan for enlargement of State Library building; report to Legislature of 1905; \$250. 63, 7 Mr 03
- q **N. C.** State librarian to be elected by *board of trustees for 4 years* [formerly by Legislature for 2 years]. Repealing '95 ch.351. 727, 9 Mr 03
- r **Va.** Reorganizing State Library according to provisions of Constitution '02 §132: State Library Board [formerly joint legislative committee appointed biennially] to consist of 5 members appointed for 5 years by Board of Education; to appoint state librarian [formerly secretary of commonwealth] to serve also as secretary of board; powers and duties; annual report by board to governor; State Law Library to remain under management of Supreme Court of Appeals; latter to appoint state law librarian. 253, 15 My 03
- s **Wy.** Salary of state librarian \$1200 [formerly \$800]. Amending R. S. '99 §469. 87, 23 F 03

2355

**Public documents***See also* Distribution of public documents, 70

- a **Ari.** Secretary of territory to purchase 150 [formerly 50] copies of Supreme Court reports for library exchanges. Amending R. S. '01 §4069-70. 70, 19 Mr 03
- b **Ct.** 300 copies of Senate and House journals and 350 copies of register and manual to be furnished State Library for exchanges. 14, 25 Mr 03
- c **N. C.** State Library trustees may distribute state publications as they deem proper. Amending C. §8612. 104, 11 F; 133, 17 F 03
- d **Pa.** State librarian to receive 200 copies of each state document and 60 copies of Supreme and Superior Court reports. 151, 15 Ap 03

2356

**Free public libraries**2357 **State aid and supervision. Traveling libraries**

- a **Col.** Providing for establishment of free traveling libraries; creating Traveling Library Commission; powers and duties. 140, 13 Ap 03
- b **Ct.** Connecticut Public Library Committee to assist and inspect free public libraries; authorized to lend books and pictures to public libraries, schools, associations and individuals; \$2000 annual appropriation. Supplementing G. S. '02 §4633. 142, 29 My 03

## ADMINISTRATIVE LAW EDUCATION

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- c Del.** \$700 [formerly \$500] annual appropriation for State Library Commission. Amending '01 ch.136. 361, 362, 31 Mr 03
  - d Id.** Abolishing State Library and Extension and Traveling Library Commission; creating State Library Commission, to manage traveling libraries and promote establishment of free libraries. Repealing '01 p.6. p.283, 11 Mr 03
  - e Ind.** Amending '99 ch.103 §3 relating to Public Library Commission: courses of library instruction; report; annual appropriation \$7000 [formerly \$3000]. 92, 7 Mr 03
  - f N. H.** Abolishing Board of Library Commissioners and transferring powers and duties to State Library Trustees. Supplementing '01 ch.7. 6, 3 F 03
  - g Vt.** Amending S. '94 §878 relating to libraries established by state aid; town selectmen annually to draw order on treasurer for library appropriation without vote of town. 32, 21 N 02
  - h Vt.** Annual appropriation for State Library Commission \$800 [formerly \$300]; salary of secretary limited to \$500; secretary may be member of commission. Amending S. '94 §881. 33, 4 D 02
  - i Wis.** Free Library Commission to establish Department of Traveling Libraries in charge of officer specially qualified; to purchase books etc. for traveling libraries, to aid in establishing and supervising county traveling libraries and to cooperate with other state library commissions in publication of documents; \$12,000 [formerly \$4000] annual appropriation. Amending S. '98 §373a, 373b, '99 ch.53. 348, 20 My 03
- 2358 Establishment. Support. Government**
- a Ark.** Cities of 2500 may levy library tax of ¼ mill; total city tax limited to 5 mills. Supplementing '01 ch.26. 137, 13 Ap 03
  - b Del.** Amending '01 ch.136 relative to free public libraries; State Library Commission to cooperate with *school districts* [formerly towns] in establishing and maintaining libraries; election of district library commissions; powers and duties, as of former town commissions; state aid to one half amount raised by district. 361, 362, 31 Mr 03
  - c Ill.** Amending '72 p.609 relative to town and village library boards: legal voters eligible to office of director. p.226, 13 My 03
  - d Ill.** Amending '01 p.235 §13 providing for fund to purchase library site and erect buildings: city may issue 20 year, 5% bonds, provision being made for sinking fund. p.226, 13 My 03
  - e Ill.** Free public libraries may be located in parks if authorized at regular municipal election; rights of owners of abutting lands may be acquired by condemnation; control and management of library not to be affected by such location. p.262, 14 My 03
  - f Ind.** Amending '01 ch.55 §1, 3, 4, 7, 10 relating to public libraries: city common council or town board may levy 1 [formerly ½] mill tax for public library; city library may be free to township. 169, 9 Mr 03
  - g Ind.** Cities and towns may locate public library buildings in parks on authority of councils or trustees. 197, 9 Mr 03



## N. Y. STATE LIBRARY SUMMARY OF LEGISLATION 1903

- h Kan.** Tax of 2 mills [formerly 1] may be levied for public library in city over 2000. Amending G. S. '01 §643. 121, 12 Mr 03
- i Mich.** Adjacent townships, cities or villages may unite to maintain public library: procedure; local board of library commissioners, levying library tax of 1 mill, to submit question to vote, on petition of 10% of voters. Adding §13-17 to '77 ch.164. 19, 2 Ap 03
- j Mich.** Librarians of township, school district, village and city libraries to report annually to county school commissioners. Amending '01 ch.199. 134, 21 My 03
- k Minn.** Cities and villages under 20,000 may levy library tax of 2 mills; cities of 20,000-50,000 may levy tax of 1 mill; local library board to send annual report to State Public Library Commission. Amending S. '94 §1425-34. 6, 4 F; 33, 6 Mr; 173, 10 Ap 03
- l Neb.** Public library funds raised by tax in city, town or village to be paid out by treasurer on vouchers of library board. Amending C. S. '01 ch.49 §4. 56, 8 Ap 03
- m O.** Boards of education may establish free public libraries for city, village and special school districts; library containing 25,000 volumes to be governed by board of trustees elected by board of education; latter to levy tax not to exceed 1 mill for library fund; where there is no public library, \$250 may be appropriated annually by board for school library; museum may be established in connection with library. p.8, 17 O 02
- n Okl.** Cities of 5000 may levy library tax of 2 mills [formerly 1]. Amending '01 ch.18 §1. 27, 16 Mr 03
- o Or.** Counties of 50,000 may levy tax of 1/2 mill for maintaining county public library; County Court to provide for location and management. p.4, 28 Ja 03
- p Or.** City councils may levy annual library tax [formerly limited to 1/2 mill]. Amending Ann. C. & S. §3569. p.24, 12 F 03
- q Pa.** School authorities in adjoining boroughs and townships may combine to establish and support free public library and to levy tax to aid existing library; annual report to school boards. Supplementing '95 ch.291. 95, 2 Ap 03
- r S. C.** Cities and towns may subscribe to maintenance of free public library to be conducted under rules prescribed by board of aldermen or council; question to be submitted to voters by resolution of aldermen or council on petition of majority of freeholders; conduct and notice of election; form of ballot; elections not to be held within 2 years of each other. Supplementing C. C. by adding §2023b. 45, 16 Mr 03
- s Vt.** When free public library has been established by vote of town, selectmen of town to pay annually to library trustees amount required by law without vote of town. Amending S. '94 §878. 32, 21 N 02
- t Wis.** Disposition of gifts and bequests to public libraries: board may pay or transfer gift to city, town or village treasurer or to financial secretary elected annually from board; bond. Adding §936a to S. '98. 293, 15 My 03

## ADMINISTRATIVE LAW EDUCATION

2358-6

- u **Wis.** Conferring power on local authorities to acquire library site by condemnation proceedings; proviso in case cost exceeds one third of gift to library. Supplementing '01 ch.310. 404, 8 My 03
- v **Wy.** Cities or towns of 5000 on donation of building for public library, may appropriate money for maintenance, part being provided by county. 88, 23 F 03

2359

## Law libraries

- a **Col.** Salary of librarian of Supreme Court \$2000 [formerly limited to \$1500]. Amending '93 ch.57. 92, 10 Ap 03
- b **N. J.** Boards of chosen freeholders may provide county courthouse with law reports of this and *other states and countries*. Amending '02 ch.89. 8, 26 F 03
- c **Pa.** Counties [formerly under 150,000] may use one half fines and forfeitures for maintenance of Law Library. Amending '01 ch.132. 56, 25 Mr 03

2360

## School libraries

- a **Cal.** Districts of five or more teachers shall apportion annually not less than \$10 nor more than \$15 for each teacher employed [formerly not over \$50 total] for district school libraries. Amending P. C. §1713. 264, 21 Mr 03
- b **Mich.** School districts may levy tax to establish district library. Amending C. L. '97 §4665. 10, 24 Mr 03
- c **N. C.** School libraries: private subscriptions to be deposited with county *treasurer* [formerly superintendent of schools]; books to be purchased by county *treasurer*; provision for state and county aid in establishing and enlarging libraries; law applicable only to towns under 1000. Amending '01 ch.662. 226, 26 F 03

2362

## History. Records. Memorials

- a **N. M.** Providing for publication of a history of New Mexico and a condensed edition for use as textbook in public schools. 23, 10 Mr 03

2363

## State boards and officers

- a **N. D.** State Historical Commission may purchase historical sites and relics. 15, 19 Mr 03

2364

## Anniversary celebrations

- a **Mich.** Providing for celebration of semicentennial of opening of ship canal at falls of St Marys river; governor to invite states bordering on Great lakes to participate. p.447, 12 F 03
- b **N. J.** \$3500 for celebration of 125th anniversary of battle of Monmouth at Freehold, June 27, 1903. 79, 26 Mr 03
- c **Wash.** Appropriating \$500 for 50th anniversary celebration of formation of Washington territory. 18, 25 F 03

2365

## Archives. Records. Colonial laws

- a **Ct.** Temporary examiner of public records to be appointed to compile list of town, probate, state and church records; report to governor Jan. 15, 1905. 165, 9 Je 03

N. Y. STATE LIBRARY SUMMARY OF LEGISLATION 1903

- a1 **Del.** Joint committee consisting of 1 senator and 2 representatives to be appointed to supervise printing of Duke of York's Records; distribution and sale by state librarian.  
487, 9 Mr; 488, 9 Ap 03
- b **Ga.** Amending '02 p.15 relating to payment for publication of colonial, revolutionary and confederate records. p.12, 15 Ag 03
- c **Ga.** Appropriating \$2000 to secure from England copies of documents for compilation of colonial records. p.13, 15 Ag 03
- d **Mass.** Exempting certain records of commissioner of state aid from provisions of R. L. ch.35 §5, 17 relating to care of public records. 177, 26 Mr 03
- e **Mich.** Amending C. L. §3461 relative to inspection of records of local governments and school districts. 76, 4 My 03
- f **N. H.** Governor, with consent of Council, to have mounted and preserved maps and plans drawn by original town proprietors of New Hampshire; \$500. 44, 4 Mr 03
- g **N. M.** Spanish and Mexican archives prior to 1850 to be sent to Library of Congress; conditions. 102, 19 Mr 03
- h **N. C.** Creating State Historical Commission to consist of 5 members, appointed by governor for 2 years; to collect old records for historical collection; publication; distribution by state librarian; \$500 annually. 767, 9 Mr 03
- i **Pa.** Governor to appoint annually Advisory Commission of Public Records of 5 members to confer with state librarian and trustees for preservation of records; all state papers to be deposited in State Library. 135 §6, 14 Ap 03
- j **Pa.** Extending 2 years term of commissioners appointed in 1887 to compile and publish laws prior to 1800. Supplementing '87 ch.70. 162, 16 Ap 03
- k **Pa.** Governor to appoint 3 commissioners to preserve, catalogue and bind historical manuscripts; collection to be placed in State Library; \$10,000. p.545, 15 Ap 03
- l **Vt.** Surveyor general's papers to be placed in custody of secretary of state. 162, 4 N 02
- m **Wis.** Amending S. '98 §690 as to rebinding public records. 83, 20 Ap 03

2366

Historical societies

- a **Ill.** State Historical Society made a department of State Historical Library; latter to pay expenses for interviewing old settlers, examining records and incidental expenses of former. Supplementing R. S. '01 ch.127c §12-16. p.229, 16 My 03
- b **Or.** \$5000 appropriation to Oregon Historical Society for preparation of historical collections relating to settlement of territory. p.76, 16 F 03
- c **Wash.** Creating Washington State Historical Society a state trustee to collect data illustrative of history of state; governor,

## ADMINISTRATIVE LAW EDUCATION

2366-

secretary of state and treasurer to be ex officio members of board of curators; biennial publication of collections. 177, 7 Mr 03

- d **Wis.** Providing for reprinting of first 10 volumes of Wisconsin historical collections for distribution among public institutional and school libraries; to be edited by State Historical Society.

96, 20 Ap 03

1368

**Old Home week**

- a **Ct.** Towns may make appropriations for Old Home week.

3, 11 Mr 03

- b **Me.** Designating week commencing with 2d Sunday of August as Old Home week.

34, 4 Mr 03

1369

**Scenic and historic places***See also Memorials, 2370*

- a **Cal.** Providing for lease and repairs of Colton Hall at Monterey, where first constitutional convention met.

314, 25 Mr 03

- b **Col.** Establishing Jackson's park at Idaho Springs as state park to commemorate place where gold was discovered in Rocky mountains; to be acquired and maintained by Idaho Springs; \$1000 for erection of monument.

31, 9 Ap 03

- c **Del.** Governor to appoint for life 3 commissioners to serve as custodians of Cooch's Bridge monument.

445, 31 Mr 03

- d **Ill.** Creating Board of Fort Massac Trustees to purchase site of old Fort Massac, and repair same; trustees to employ custodian; Daughters of American Revolution may erect historical monument; \$10,000.

p.42, 15 My 03

- e **N. J.** Vacancies of other than ex officio members in Monmouth Battle Commission to be filled by governor with consent of Senate; life tenure; removable by governor for cause. Supplementing '81 ch.105.

98, 1 Ap 03

- f **Or.** Authorizing State Historical Society to take possession of old blockhouse at Fort Yamhill to preserve as historic monument.

p.357, 11 F 03

- g **Pa.** Providing for acquisition of 500 [formerly 250] acres at Valley Forge for park; commissioners may appoint special constables. Amending '93 ch.130 §1.

44, 19 Mr 03

1370

**Memorials. Monuments**

1374

**Memorial buildings**

- a **Wis.** Janitor and custodian of State Memorial Hall for Soldiers and Sailors to receive \$1000 salary. Amending '01 ch.125 §5.

200, 11 My 03

1375

**Memorial days***See also Legal holidays, 1594*

- a **Tenn.** Changing Confederate Memorial day from 2d Friday in May to June 3, Jefferson Davis's birthday. Amending '99 ch.156.

136, 23 Mr 03

- 2376 Memorials on battlefields. Soldiers monuments**
- a Ark.** Appropriating \$5000 for Confederate monument in Little Rock. 83, 16 Mr 03
  - b Id.** Providing for monument on capitol grounds to soldiers of Spanish-American war. p.448, 13 F 03
  - c Ill.** Governor to appoint Vicksburg National Military Park Commission, consisting of 9 veterans, to erect monuments to mark position of troops during siege; \$150,000. p.48, 14 My 03
  - d Ind.** \$1500 additional appropriation to Shiloh Park Commission for dedication of park and publication of report. Supplementing 'or ch.169. 42, 28 F 03
  - e Ind.** Commission of 5 veterans to be appointed by governor to aid National Park Commission in determining position of Indiana organizations at siege of Vicksburg; report to governor by Jan. 30, 1905; \$1000. 210, 9 Mr 03
  - f Kan.** County commissioners and city council may separately or jointly erect monuments to soldiers of Civil War. 362, 13 Mr 03
  - g Me.** \$5000 for erection of soldiers monument in national cemetery at Andersonville. r.47, 23 Mr 03
  - h Mass.** Cities and towns may appropriate money for monuments to soldiers of the Revolution. 116, 28 F 03
  - i Mass.** Appointing committee to represent Massachusetts at dedication of monument at Vicksburg; \$5800. r.65, 30 Ap 03
  - j Mich.** Commission, consisting of governor and 3 appointees to erect monument at Andersonville to commemorate prison sufferers of Civil War; \$6000. 43, 16 Ap 03
  - k Mich.** Governor to appoint 3 commissioners to determine position of state troops in siege of Vicksburg; report to governor by Jan. 15, 1904. 240, 18 Je 03
  - l Minn.** Governor to appoint 3 commissioners to erect monument and tablets in Vicksburg National park commemorative of state troops participating in siege of Vicksburg; \$1000. 136, 8 Ap 03
  - m N. H.** Governor to appoint 3 commissioners, chosen from veterans participating, to erect monument in Vicksburg National Military park; \$5000. 138, 10 F 03
  - n Pa.** Appropriating \$20,000 for monument to officers and soldiers of 10th Pennsylvania regiment who died during Spanish war. Repealing 'or ch.450. 94, 2 Ap 03
  - p Pa.** Gettysburg Battlefield Commission to publish 19,000 copies of report of dedicatory ceremonies; distribution. 308, 15 My 03
  - q Pa.** Governor to appoint 3 commissioners to confer with representatives of several commands in purchasing land and erecting monuments to mark position of state troops at siege of Vicksburg; proviso; \$15,000. 379, 15 My 03
  - r Pa.** Governor and 2 appointees to supervise erection of monument to commemorate engagement in Hanover June 30, 1863; \$7500. 393, 15 My 03

## ADMINISTRATIVE LAW EDUCATION

2376-7

- s Pa. Governor to appoint 5 commissioners to provide monument at Germantown to commemorate battle; \$10,000. 428, 15 My 03
- t R. I. Joint special committee appointed in 1902 to be continued; to purchase site and erect monument at Andersonville; \$6500. Supplementing '01 r.35. r.1, 4 D 02
- u Vt. Conveying to the United States land purchased by state on Antietam battlefield in Sharpsburg Md. 405, 21 N 02
- v Wis. \$5000 additional appropriation for erection of monuments at Shiloh. Amending '01 ch.381. 199, 11 My 03
- w Wis. Governor to appoint 3 veterans as commissioners to erect monuments in Vicksburg National park marking positions occupied by state troops; reports to governor; \$30,000. 304, 18 My 03
- x Wis. Governor to appoint 3 prisoners at Andersonville in Civil War as commissioners to erect monument in Andersonville National cemetery; report to governor; \$10,000. 322, 20 My 03
- y Wy. Ceding to United States site for monument commemorating soldiers in Fort Phil Kearney massacre. 45, 19 F 03

377

## Memorials to individuals

- a Cal. State Board of Examiners to purchase portrait of Gov. Henry T. Gage; \$500. 115, 12 Mr 03
- b Ill. Governor to appoint 5 commissioners to purchase statue of Frances E. Willard to be erected in National Statuary hall at Washington; \$9000. Reenacting '99 p.23. p.82, 16 Ap 03
- c Ind. Creating commission, consisting of governor, lieutenant governor and 5 citizens appointed by the governor, to purchase testimonial sword for Rear Admiral Taylor, commander of battleship *Indiana* at Santiago; \$1600. 2, 16 Ja 03
- d Ind. Governor to appoint commission, consisting of 3 trustees, to erect monument to pioneers massacred at Pigeon Roost; report to governor by Dec. 15, 1903; \$2000. 14, 11 F 03
- e Mass. Statehouse Commission to consider erection of memorials to John Adams and John Quincy Adams; to report to Legislature of 1904. r.39, 8 Ap 03
- f Mass. Statehouse Commission to recommend legislation to Legislature of 1904 regarding erection of statute to John Hancock. r.80, 19 My 03
- g Mich. Governor to appoint 3 commissioners to erect monument in Monroe, commemorating massacre of River Raisin in 1813; \$5000. p.440, 18 Je 03
- h Neb. Governor to appoint 5 commissioners to locate site on capitol grounds at Lincoln and erect monument to Abraham Lincoln, on approval of Board of Public Lands and Buildings; \$1000. 157, 14 Ap 03
- i N. H. \$500 for erection of monument at Hackensack N. J. to Enoch Poor, revolutionary soldier, if appropriation of \$1000 be made by New Jersey. 185, 2 Ap 03

N. Y. STATE LIBRARY SUMMARY OF LEGISLATION 1903

- j N. J. \$600 for portrait of ex-Gov. Rodman M. Price. p.524, 8 Ap 03
- k N. C. \$1000 appropriation for restoration of monument to Gov. Richard Caswell. 641, 9 Mr 03
- l Pa. On petition of 10 freeholders of township, borough or city, board of county commissioners may furnish metal markers for graves of soldiers or sailors. 231, 24 Ap 03
- m S. C. Governor to appoint 5 commissioners to locate site and erect monument on capitol grounds to Gen. Wade Hampton: \$20,000 appropriation, \$10,000 being raised by subscription. 171, 19 F 03
- n Vt. Providing for memorial of Hiram A. Huse, late state librarian. 371, 12 D 03
- p Vt. Providing for portrait of Admiral Dewey to be placed in capitol. 372, 12 D 03
- q Vt. Providing for a bronze tablet to Maj. Gen. George J. Stannard to be placed in capitol. 373, 20 N 03
- r Vt. Providing for memorial tablet of late Sergeant-at-arms Truman C. Phinney. 374, 12 N 03
- s Vt. Providing for memorial tablet to mark birthplace of President Arthur, approved Nov. 27, 1900. 382, '02
- t Va. Dedicating site in capitol for statue of Gen. J. E. B. Stuart; \$10,000 appropriation, equal sum being raised by Stuart Memorial Association. 108, 28 Mr 03
- u Va. Commission of 5 senators and 5 delegates to be appointed to select and contract for statue of Gen. Robert Edward Lee and to present same to federal government to be placed in National Statuary hall at Washington; \$10,000. 243, 15 My 03

2379

War records

- a Fla. Appropriating \$5000 for publication under governor's direction of roster of state troops in various wars; distribution. 98, 14 My 03
- b Ga. Governor and 4 designated persons to constitute Georgia Soldier Roster Commission; to prepare muster roll of Confederate veterans in Civil War; \$5000. p.7, 15 Ag 03
- c Mich. Adjutant general to compile from records individual history of soldiers and sailors in Civil and Spanish-American wars. 131, 20 My 03
- d Mich. Adjutant general to compile record of Michigan soldiers and sailors in War of the Rebellion, 1861-65; Board of State Auditors to contract for publication; 4500 copies; distribution. 147, 26 My 03
- e Minn. Board of Commissioners, consisting of adjutant general and commanding officers of 4 participating regiments to compile history of volunteers in Spanish War; board may employ editor; \$2500. 249, 18 Ap 03
- f N. H. \$500 for restoration of muster rolls of regiments in Civil War. 179, 2 Ap 05

## ADMINISTRATIVE LAW EDUCATION

2379-8

- g Or. Providing for publication of official records of Oregon volunteers in Spanish War and Philippine insurrection; distribution. p.350, 18 F 03
- h Pa. Secretary, with approval of governor, auditor general and adjutant general, may purchase and distribute histories relating to Pennsylvania volunteers in Civil War; \$10,000. 129, 13 Ap 03
- i Pa. Adjutant general to publish record of enlistments of Pennsylvanians in Philippine and China wars; 4000 copies; distribution. 193, 22 Ap 03
- j Vt. Adjutant general to prepare for publication record of volunteers of Spanish-American War; distribution; \$350. 88, 10 D 02

380

## Scientific work. Art

384

## Geology. Topography

- a Ari. Persons employed by United States Geological Survey may enter on lands. 84, 19 Mr 03
- b Ct. Creating Geological and Natural History Survey, consisting of 5 commissioners; to appoint superintendent and assistants; objects of survey; report to Legislature; \$3000. 133, 3 Je 03
- c Ga. Salary of assistant state geologist \$1500 [formerly \$1250]. Amending '89 p.18 §16. p.96, 16 D 02
- d Ga. \$30,000 appropriation for exhibit of minerals, precious stones, agricultural and horticultural products, illustrative of economic resources of state; exhibit to be placed in State Museum; state commissioner of agriculture and governor to direct expenditure. p.697, 17 Ag 03
- e Me. Extending work of Topographic and Geologic Survey to include hydrography; chairman of commission to be state geologist; salaries; increasing appropriation to \$5000 [formerly \$2500] annually for 1903-4. 175, 26 Mr 03
- f Mass. Employees of United States Geological Survey may enter on public and private land; damages for injury to be determined by county commissioners. 150, 11 Mr 03
- g N. J. Reorganizing Board of Managers of State Geological Survey: board to consist of governor ex officio and of 1 member [formerly 2] from each congressional district, *also members at large not exceeding 10 appointed by governor with consent of Senate for 5 years.* Repealing '94 ch.72. 101, 1 Ap 03
- h N. D. Annual appropriation for State Geological Survey \$1000 [formerly \$500]. Amending '01 ch.8 §9. 13, 10 Mr 03
- i N. D. Annual appropriation for expenses of State Geological Survey, \$1000 [formerly \$600]. Amending R. C. '99 §904a. 14, 10 Mr 03
- j R. I. Persons employed in making United States geologic survey may enter lands. 1050, 10 D 02
- k S. C. State geologist to furnish to Clemson Agricultural and Mechanical College duplicate specimens of minerals. Adding §740a to C. C. 15, 2 Mr 03



- 1 S. D. Officers or agents of United States Geological Survey may enter on lands; regulations. 137, 24 F 03

- m Tex. Regents of University of Texas to make mineral survey of public and other lands and publish geologic map of state. 144, 1 Ap 03

- n Vt. Persons employed in making United States geologic survey may enter on lands in state. 161, 10 D 02

- p Wash. Board of Geological Survey to cooperate with United States Geological Survey, provided that United States expends as much as state. Amending Ann. C. & S. '97 §172-82. 157, 16 Mr 03

- q W. Va. Amending '97 ch.6 §4-6 relating to State Geologic and Economic Survey: engineers and surveyors of state or United States survey may enter on lands or mines; distribution of proceeds of sale of reports. 50, 28 F 03

2385

## Museums

- a N. J. Providing for instalment of education, forestry and other exhibits of Pan-American Exposition in State Museum. 81, 26 Mr 03

2386

## Art

- a Minn. Creating Minnesota State Art Society to further development of art in education and manufactures; governing board; organization; annual free lecture courses and art exhibit; state appropriation for prizes; expenditure of funds. 119, 3 Ap 03

2387

## Public worship

- a N. H. Amending Constitution pt1 art.6: encouragement of public worship grounded on *Christian* [formerly evangelical] principles; Legislature may authorize parishes, bodies corporate or religious societies [formerly towns also] to provide for support of public [formerly protestant] teachers; proviso; equal protection of law to be given to *all religious sects and denominations* [formerly of Christians]. *Rejected March 1903.* Constitutional Convention 1902, amendment 6

2388

## Military regulations

See also History, records, memorials, 2362

2390

## Militia. National Guard

2391 General and miscellaneous

- a Col. Amending Military Code of '97 ch.63 art.3 §5, art.4 §5, art.5 §3: governor with approval of State Military Board to prescribe organization of brigade, to acquire property for armory purposes and to order changes in uniform and equipment. 143, 14 Ap 03

- b Ct. State National Guard may be ordered into United States service for period not exceeding 9 months [formerly 3 months in any year]. Amending G. S. '02 §2989. 24, 14 Ap 03

## ADMINISTRATIVE LAW MILITARY REGULATIONS

235

- c Ct.** Amending G. S. '02 §3004 changing composition of Connecticut National Guard, to consist of 3500 enlisted men and requisite number of officers organized as prescribed by United States militia law; parades and encampments. 110, 15 My 03
- d Del.** Generally amending '97 ch.392 relating to maintenance and regulation of National Guard. 284, 16 Mr 03
- e Fla.** Military Code. 30p. 97, 11 My 03
- f Ga.** Revision of Military Code. p.79, 17 D 02
- g Id.** Revision of '99 p.156 relating to organization of state militia. p.57, 2 Mr 03
- h Ill.** Establishing Military and Naval Code. 31p. p.318, 14 My 03
- i Kan.** Miscellaneous amendments to '01 ch.255 relating to state militia. 359, 9 Mr 03
- j Me.** Amending '93 ch.266 relating to militia: reenlistment; discharge of members of regimental band and of enlisted men. 73, 11 Mr 03
- k Mass.** Governor may organize militia in conformity with United States Statutes at Large 1902-3 ch.196. 481, 26 Je 03
- l Mich.** Amending '01 ch.204 §9-11, 16, 20, 25 relating to Michigan National Guard: brigade staff reconstituted; compensation of officers and privates. 251, 18 Je 03
- m Minn.** Miscellaneous amendments to Military Code '97 ch.118. 52, 13 Mr 03
- n N. H.** Annual appropriation for New Hampshire National Guard \$35,000 [formerly \$30,000]. Amending '95 ch.59 §128. 69, 13 Mr 03
- p N. H.** Adding commissary sergeant to staff of active militia on peace footing, and adding commissary to regimental and brigade staff; pay for military service. Amending '95 ch.59 §37-38, 40, '01 ch.25 §98. 135, 2 Ap 03
- q N. J.** Repealing '00 ch.178 §48, and amending §127 relating to annual payments for support of National Guard. 105, 2 Ap; 107, 3 Ap 03
- r N. Y.** Miscellaneous amendments to Military Code '98 ch.212. 74, 25 Mr; 75, 25 Mr; 76, 25 Mr; 77, 25 Mr; 213, 24 Ap 03
- s N. Y.** Interest on military funds in hands of any county treasurer to be subject to draft of adjutant general for use of National Guard. Adding §167 to Military Code 98 ch.212. 271, 24 Ap 03
- t N. C.** Miscellaneous amendments to '93 ch.374, '99 ch.390 relating to militia; name of State Guard changed to North Carolina National Guard; to be in command of *brigadier general* [formerly adjutant general] appointed by commander in chief. 548, 6 Mr 03
- u N. D.** Each organization of National Guard to receive \$600 [formerly \$300] for bandmaster and \$400 [formerly \$300] for armory rent. Amending R. C. '99 §1419. 20, 6 Mr; 22, 28 F 03
- v N. D.** Annual appropriation of \$19,000 [formerly \$11,000] for National Guard. Amending R. C. '99 §1425. 32, 6 Mr 03

- w Okl.** Amending and supplementing R. S. '03 §3510, 3514-16 relating to National Guard: inspector of rifle practice, ordnance and range sergeants to be added to regimental officers; Board of Military Examiners created to pass on appointments and promotion. 20, 16 Mr 03
- x Pa.** Amending '91 ch.174 relating to National Guard: 12 [formerly 5] troops of cavalry; creating hospital corps; officers of infantry, cavalry and artillery; officers and men in company of engineers; cooks; military boards; pay; regimental bands. 79, 27 Mr 03
- y Pa.** Designating 3 commissioners to purchase silver service for battle ship *Pennsylvania*; committee of presentation; \$25,000. p.544, 6 Ap 03
- z R. I.** Amending G. L. '96 ch.296 §32 adding to staff of brigadier general one provost marshal; signal corps with captain, *one 1st lieutenant* and 20 [formerly 5] noncommissioned officers and privates may be attached to brigade. 1055, 11 D 02
- z1 S. D.** Appropriating \$5000 for silver service for battle ship *South Dakota*. 45, 2 Mr 03
- z2 S. D.** Revision of Military Code. 17p. 185, 6 Mr 03
- z3 Tex.** Revision of R. C. S. t.70 relating to state militia. 10p. 131, 1 Ap 03
- z4 Va.** Amending and supplementing C. §376-77 relating to Virginia volunteers: Military Board to expend military fund for maintenance and instruction, also for pay when called into service by civil authorities; provision for annual encampment. 293, 20 My 03
- z5 Wash.** Miscellaneous amendments to Military Code, Ann. C. & S. '97 t.13. 155, 16 Mr 03
- z6 Wis.** Amending '01 ch.288 relative to organization of National Guard: 1 assistant surgeon general added to military staff; to be head of medical department; salary \$500; encampment; decoration for service. 240, 13 My 03

## 2392

## Armories

- a Fla.** Requiring counties to provide armories for militia companies. 4684 §27, 3 Je 99. *Unconstitutional*. Militia a state charge. *State v. Dickenson*, 33 S. 514.
- b Fla.** \$10,011.30 for purchase of site for State Armory at Key West. 178, 14 My 03
- c Fla.** Providing for appointment of board of appraisers to purchase with approval of governor site for State Armory at Apalachicola. 179, '03
- d Ill.** \$10,000 for erection of State Armory at Bloomington. p.49, 16 My 03
- e Mass.** Providing for annual reimbursement of expenses of certain cities and towns for maintaining armories. 457, 23 Je 03
- f Minn.** Cities over 50,000 may build armories. 83, 25 Mr 03
- g N. H.** Appropriating \$48,000, on donation of site, for erection of State Armory at Manchester; governor and Council to erect and equip armory and prescribe management. 104, 31 Mr 03

## ADMINISTRATIVE LAW MILITARY REGULATIONS

2392-98

- 1 **N. J.** \$125,000 to establish State Armory in Newark: Military Board to acquire site and erect armory. Supplementing '88 ch.182.

204, 8 Ap 03

- 1 **N. M.** Providing for erection of state armories, on donation of sites, at Albuquerque and Las Vegas; respective boards of control to erect buildings and administer affairs; bond issue. 53, 12 Mr 03

- c **N. D.** Providing for erection of armories by various organizations composing National Guard; creating Board of Armory Supervisors; on donation of site and deposit of \$2000, negotiable bonds to sum of \$5000 to be issued by governor, state auditor and state treasurer for erection of armory; procedure. 48, 6 Mr 03

- 1 **Wash.** Providing for erection of state armories in Seattle, Tacoma and Spokane: state appropriation; county or city bond issues; designating members of armory commission for each city; creating armory funds. 115, 16 Mr 03

4 **Encampment**

- a **Mass.** Battalions of infantry *and heavy artillery and naval brigade* may be assembled twice a year for instruction. Amending R. L. ch.16 §139. 247, 16 Ap 03

- b **Pa.** State Military Board with major general commanding the division, and 3 brigadier generals of National Guard to constitute commission to purchase land for permanent encampment ground; \$35,000. 150, 15 Ap 03

- c **S. D.** Providing for permanent camping ground for National Guard at Lake Campeska on donation of site by county; proviso. 184, 20 F 03

- d **Wy.** Amending R. S. '99 §743 relating to joint military encampment of National Guard and troops of regular army. 107, 23 F 03

6 **Military schools**

See 2348(5)

7 **Naval militia**

- a **Me.** Amending '99 ch.46 §1, 3-6 relative to naval reserve of National Guard: officers of ship's company; division officers; peace and war footing; election of commanding lieutenant. 97, 17 Mr 03

- b **Mass.** Amending R. L. ch.16 §30 relating to appointment and rank of officers of naval brigade. 377, 23 My 03

8 **Officers and boards**

- a **Ari.** Amending R. S. '01 §3134, 3136b, 3136c, 3153 relating to military officers: adjutant general to have grade of *ranking colonel* [formerly brigadier general] with salary \$600 [formerly \$300]; exemptions from jury duty and poll taxes. 56, 19 Mr 03

- b **Ark.** Governor to appoint military storekeeper to serve as custodian of State Armory and as clerk to commander in chief.

124 §2, 8 Ap 03

## N. Y. STATE LIBRARY SUMMARY OF LEGISLATION 190

- c Me. Officers of militia or of National Guard may be re-  
6 [formerly 9] years of service. Amending '01 ch.159. 76,
- d Me. Adding to staff of commander in chief 2 aides-de-  
rank of lieutenant colonel. Amending '93 ch.266 §16. 212,
- e Mass. Regulating examinations as to the technical qua-  
of militia officers. 151
- f Minn. Brigade officers to hold office for 10 years; m-  
elected. Amending Military Code '97 ch.118 §73. 182,
- g N. H. Amending Constitution pt2 art.47: company c  
state militia to qualify before examining board prior to no  
*Adopted March 1903. Constitutional Convention 1902, ame*
- h N. H. Amending Constitution pt2 art.66 by repealing  
requiring commissary general to be chosen by Legislature  
*March 1903. Constitutional Convention 1902, ame*
- i N. J. Minor amendment to '00 ch.178 §7 relating to g  
staff. 65,
- j N. Y. Amending Military Code '98 ch.212 §6 relating  
mander in chief. 211,
- k N. Y. Supernumerary *or retired* officers may be detaile  
vice in National Guard. Amending Military Code, '98 cl  
435
- l Vt. Repealing '00 ch.69 §12 relative to expiration withi  
of commissions of officers of National Guard. 8
- 2400 Adjutant general
- a Ark. Recreating office of adjutant general abolished  
private secretary of governor to serve. 124 §1
- b Ga. Amending '02 p.70 §6 relating to qualifications of  
general. p.107,
- c Ind. Salary of adjutant general \$2250 [formerly \$1200]  
Amending Burns's Ann. S. '94 §7418. 113
- d Me. \$1900 [formerly \$1800] for clerk hire in office of  
general. Amending '01 ch.249 §1. 101,
- e Me. Salary of adjutant general \$1800 [formerly \$1500].  
ing '89 ch.242 §1. 102,
- f N. H. Bond of adjutant general \$5000 [formerly  
Amending '95 ch.59 §13. 91,
- g Wy. Salary of adjutant general \$1500 [formerly \$500].  
ing R. S. §753. 107,
- 2402 Regulations of troops
- a Ind. Amending '01 ch.255 §9 relating to attendance  
drill. 223,
- b Vt. Presiding officer of courts martial to be vested w  
power as prescribed by regulations of United States a  
Vermont National Guard; sentence to be approved by r

## ADMINISTRATIVE LAW MILITARY REGULATIONS

241

commander; courts martial for trial of officers to consist of 5 to 7 members. 89, 9 D 02

1406

**Pensions and relief**

2408

**State pensions and aid**

- a **Me.** \$4 monthly pension for militiamen who have served in Aroostook War. 126, 24 Mr 03
- b **Mass.** Commissioner of state aid and pensions may grant aid to fathers or mothers of soldiers or sailors of the Spanish War, if mayor and aldermen or selectmen of city or town consider such aid necessary to prevent want; applications may not be received after 1903. 387, 27 My 03
- c **Mass.** Amending R. L. ch.192 §4 as to salary of clerks in office of commissioner of state aid and pensions. 420, 12 Je 03
- d **Wis.** Authorized Union army nurses serving in Civil War 90 days entitled to same relief from county fund as indigent soldiers, and also to admission to Wisconsin Veterans Home. 7, 7 Mr 03
- e **Wis.** Amending S. '98 §1529d as to nature of bond required from members of Soldiers Relief Commission. 34, 27 Mr 03
- f **Wy.** Pension of Civil War veterans not to be taken by state institution for support. 52, 20 F 03

2409

**State pensions and aid to Confederate veterans**

- a **Fla.** Amending '01 ch.10 granting to widows of confederate veterans annual pension, \$96; repealing provision whereby widows able to earn livelihood were debarred. 4, 6 Je 03
- b **Ga.** Commissioner of pensions to furnish, and ordinaries to keep pension rolls. p.85, 17 Ag 03
- c **N. C.** Amending and supplementing confederate pension law of '01 ch.332: creating state and county boards of pensions; persons with property valuation of \$500, or holding office with \$300 salary ineligible; procedure. 273, 2 Mr 03
- d **S. C.** Confederate soldiers and their widows may, if otherwise entitled, receive pensions before reaching age of 60 years; pension of blind soldiers. Amending C. C. §1066 subdiv. B. 25, 2 Mr 03
- e **Tenn.** Amending and supplementing '91 ch.64, '99 ch.425 relating to pensions: adding 4th and 5th class pensions; membership of Board of Pension Examiners after 1905; compensation; powers and duties. 244, 15 Ap 03
- f **Tex.** Providing for annual appropriation of \$250,000 [formerly \$100,000] for confederate pensions. Amending '99 ch.107 §13. 81, 31 Mr 03
- g **Tex.** Submitting amendment to Constitution art.3 §51: annual appropriation for pensions limited to \$250,000 [formerly \$500,000];

widows of confederate veterans married prior to March 1880 [formerly 1866] and not remarried to receive pension. *Vote November 1904.* p.248, 1 Ap 03

2410

**Local pensions and reliefs**

- a **Wis.** County board to levy tax not over  $\frac{1}{2}$  [formerly  $\frac{3}{4}$ ] mill for relief of soldiers and sailors. Amending S. '98 §1529b. 333, 19 My 03

2411

**Burial expenses**

- a **Me.** Providing for burial at state expense of indigent widow of veteran of Civil War. Amending '87 ch.33 §1. 195, 28 Mr 03
- b **Mon.** County to provide burial for indigent soldiers and sailors at expense not exceeding \$50. 39, 28 F 03
- c **N. M.** County commissioners to provide for burial of indigent soldiers and sailors at cost not exceeding \$50; friends or Grand Army may conduct funeral. 11, 28 F 03
- d **N. Y.** Soldiers and sailors *and their widows* not leaving sufficient means for funeral expenses to be buried at county expense. Amending '96 ch.225 §83, '00 ch.24. 96, 25 Mr 03
- e **Pa.** County commissioners to provide for burial of indigent soldiers and sailors at expense not to exceed \$50 [formerly \$35]. Amending P. & L. Digest '94 p.3554. 32, 27 Mr 03
- f **U.** Destitute soldiers and sailors to be buried at expense of county in which they resided at cost not exceeding \$75. 21, 25 F 03

2415

**Soldiers homes**

**2416 General. Establishment. Organization**

- a **Cal.** Minor amendment to '97 ch.101 §5 relating to organization of board of directors of State Home for Soldiers and Sailors. 243, 20 Mr 03
- b **Id.** Salary of *commandant* [formerly superintendent] of Soldiers Home \$1200 [formerly \$800]; trustees to appoint matron. Amending '99 p.190. p.219, 3 Mr 03
- c **Ill.** Conditions of admission of wives to Soldiers and Sailors Home at Quincy; disposition of pension money; provisions as to widows of deceased inmates. Supplementing R. S. '01 ch 23 §106. p.93, 13 My 03
- d **Kan.** Members of board of managers of State Soldiers Home to be paid \$900 a year [formerly \$3 a day]. Amending '01 ch.194. 242, 13 Mr 03
- e **Mo.** Amending R. S. '99 §7791-92 relating to board of managers of Confederate Soldiers Home. p.204, 5 Mr 03
- f **Mo.** Amending R. S. '99 §7797-98 relating to board of trustees of Federal Soldiers Home. p.206, 9 Mr 03
- g **Mon.** Inmate of Soldiers Home may not assign *any part* [formerly not more than  $\frac{2}{3}$ ] of pension for support of home. Amending P. C. §2528. 18, 24 F 03

## ADMINISTRATIVE LAW    MILITARY REGULATIONS

241

- h**    **N. J.** Amending '98 ch.174 relating to state home for disabled veterans and wives: wife *to be 50 years of age and married 15* [formerly 25] years prior to application for admission.    95, 31 Mr 03
- i**    **S. D.** Insane inmates of South Dakota Soldiers Home to be cared for at expense of state. Amending P. C. '03 §2818.    156, 6 Mr 03
- j**    **S. D.** Commissioners of South Dakota Soldiers Home to receive \$3 a day, limited to 50 days a year.    214, 5 Mr 03
- k**    **Tenn.** Governor to appoint 6 women as additional members of board of trustees of Confederate Soldiers Home. Amending C. §2725.    391, 14 Ap 03
- l**    **Wy.** Amending R. S. '99 §690 providing for permanent location of Soldiers Home on Fort McKinney reservation; reservation to be under control of Board of Charities and Reform; \$2500 for removal from temporary quarters in Cheyenne.    46, 20 F 03
- 2417 Admission**
- a**    **Wis.** Destitute veterans, nonresidents of state, with wives or widows may be supported as inmates of State Veterans Home. Amending S. '98 §1529, '99 ch.304.    324, 20 My 03
- 2418 Widows and orphans**
- a**    **Ind.** Trustees of Indiana Soldiers' and Sailors' Orphans Home to employ agents to find homes for orphans.    52, 28 F 03
- b**    **Ind.** Admitting widows and wives of soldiers to State Soldiers Home.    129, 9 Mr 03
- c**    **Kan.** Providing for admission of destitute widow, mother or minor children of soldiers to Mother Bickerdyke Home annex to State Soldiers Home.    480, 11 Mr 03
- d**    **Kan.** Providing for admission of Civil War army nurses to Mother Bickerdyke Home annex to State Soldiers Home.    481, 13 Mr 03
- e**    **Mon.** Wives of inmates of Soldiers Home married before home was established may be admitted.    87, 5 Mr 03
- f**    **N. J.** Conditions under which widows of veterans may be admitted to Vineland Home. Supplementing '98 ch.174.    43, 13 Mr 03

2420

**Organizations**

2421

**General and miscellaneous**

- a**    **Ind.** Amending '91 ch.33 §1 as to unlawfully wearing badge of military and naval societies.    130, 9 Mr 03
- b**    **Pa.** Adjutant general may lend arms and accouterments to contingents of societies of Spanish-American and China wars; conditions.    139, 14 Ap 03

2426

**Spanish War veterans**

- a**    **Pa.** Unauthorized use of insignia of Spanish-American War veterans a misdemeanor.    16, 5 Mr 03



2430

## Local government

2432

## Municipalities

The usage of terms designating local bodies varies widely in different states. The word *municipality* is here used throughout in its original and strictest meaning to designate any *densely populated*, incorporated community; thus including cities, villages, boroughs, hamlets and "towns" (as a name for villages) but not including townships. Where the word *town* is used to designate the primary division of the county, it is grouped with township government, though in the case of the New England towns the nature of the government approaches more nearly that of a municipality than that of a western township.

In many states, municipalities, specially cities, are divided into classes according to population. As the classification varies widely, the limits of population designated thereby are in these references substituted for the number of the class.

2433

## State control of cities. Home rule

- a **Fla.** Submitting amendment to Constitution art.3 §24, repealing art. 8 §8 relating to municipalities: Legislature to divide municipalities into 4 classes and provide uniform government of each class; [formerly one system for all cities]. *Vote November 1904.* p.643, '03
- b **Or.** Repassing amendments to Constitution art.11 §2: general laws to be passed for incorporation of cities; cities may frame charters in conformity to general laws without submission to Legislature; corporations shall not be formed by special laws [formerly except for municipal purposes]. *To be voted on by people, but no provision for submission.* p.346, 4 F 03

2434

## Special legislation

- a **Ill.** Submitting amendment to Constitution art.4 by adding §34: Legislature may pass special laws for reorganization of Chicago government subject to approval by vote of people. *Vote November 1904.* p.358, 22 Ap 03

2435

## Self-framed charters

- a **Minn.** Regulating framing of city charters according to Constitution art.4 §36: judge of District Court to appoint charter commission on petition of 10% of voters or on his own motion; limits of charter; amendments to be accepted by three fifths vote; limitation of indebtedness; public works and franchises. 238, 17 Ap 03
- b **Minn.** Board of 15 freeholders appointed, under '99 ch.351 and amendatory acts, to frame city charter may appoint stenographer and attorney. Amending '01 ch.129 §1. 350, 22 Ap 03
- c **Wash.** Direct amendment of charter: on petition of 15% of electors, specified charter amendment in respect to local affairs to be submitted to voters. 186, 21 Mr 03

2437

## Organization. Powers generally

2438

## General

- a **Cal.** Amending '83 ch.49 §862 relating to powers of trustees of cities under 3000: municipal water supply; care of streets and roads; dog tax; property tax; public wharves, bath houses and life-saving

## ADMINISTRATIVE LAW LOCAL GOVERNMENT

2438-31

stations; municipal railways, telephone and telegraph lines; gas works, libraries and gymnasiums; fire limits. 86, 9 Mr 03

**Id.** Amending '01 p.91 relating to powers of cities and villages: reassessments; may establish parks. p.411, 10 Mr 03

**Kan.** General law for government of cities over 15,000. 65p. Repealing '81 ch.37, '97 ch.82 and amendatory acts. 122, 13 Mr 03

**Neb.** Miscellaneous amendments to C. S. '01 ch.13 art.3 relative to government of cities of 5000 to 25,000. 19, 8 Ap 03

**N. J.** General law providing for government of cities, to be adopted at option of cities. 45p. 168, 8 Ap 03

**O.** General municipal corporation law; classification; powers; organization; taxation; limitation of indebtedness. 86p.

p.20, 22 O 02

**Pa.** Amending '93 ch.278 §2-3 relating to wards and laws governing consolidated boroughs. 5, 26 F 03

**Pa.** Amending '01 ch.165 relating to cities under 100,000: improvement of streets; acquisition of sites for hospitals and penal institutions; fireproof buildings; vote of majority of members of council *present* necessary for adoption of motion; construction of sewers; maps. 88, 30 Mr 03

**S. D.** Word "town" in P. C. '03 §1468 to include incorporated villages. 2, 17 F 03

**Tenn.** Amending C. §1998-99, '97 ch.87 relating to powers and duties of boards of commissioners of taxing districts of 2d class (i. e. cities and towns under 30,000 whose charters have been repealed); providing for election of recorder; abolition of taxing district. 234, 27 Mr 03

**Tenn.** Amending '01 ch.64 §19 increasing powers of town corporations; authorizing erection of workhouse; rate of annual tax levy may not exceed 15 [formerly 10] mills; provision for town equalizing board. 477, 3 Ap 03

**Va.** Generally amending C. ch.44 relative to incorporation and administration of cities and towns; repealing §1039-40, 1043 relating to city and town levies and indebtedness. 24p. 269, 20 My 03

**Wash.** Amending '90 ch.7, 114, '93 ch.57, 70 relating to government of municipal corporations: terms of office of municipal officers; vacancies except in council to be filled by *mayor* [formerly council]; ordinances may be passed over mayor's veto by vote of 5 councilmen; appointments to be made by mayor and confirmed by council; franchises. 113, 16 Mr 03

## Annexation and exclusion of territory

**Ark.** Annexation of adjacent territory by municipal corporation: regulations. 86, 16 Mr 03

**Fla.** Cities or towns may contract limits on two thirds vote of electors both of included and of *excluded* district; cities under 150,

on desire of three fourths of landowners, may petition Circuit Court for exclusion; procedure. Amending R. S. '92 §720.

- 92, 4 Je 03  
**c Minn.** Amending S. '94 §2315, 2317 relative to vacating parts of cities and towns. 60, 14 Mr 03  
**d Minn.** Village over 1000 may annex tract of land on petition of owner. Amending '99 ch.66. 99, 28 Mr 03  
**e Neb.** City of 5000 to 25,000 may disconnect plat of 5 acres used for farming purposes on petition of owners and vote of two thirds of council. Amending C. S. '01 §1253. 18, 8 Ap 03  
**f Neb.** Relating to annexation of territory to cities under 5000 situated in 2 or more counties. 23, 2 Ap 03  
**g N. J.** Repealing '96 ch.183, '97 ch.156, '99 ch.1, 127 relative to apportionment of assets and liabilities of municipalities in case of division. 76, 26 Mr 03  
**h N. J.** Borough, town or township annexed to borough to be subject to its laws; property rights and liabilities; taxation. 185, 8 Ap 03  
**i N. J.** Governing body of town to make territory annexed to town a ward, establish election districts and polling places and appoint election officers; conduct of elections. 244, 8 Ap 03  
**j N. M.** Regulating annexation of contiguous territory to cities, towns or villages. 105, 19 Mr 03  
**k N. Y.** Providing for exclusion of territory from village. Adding §326a to village law, '97 ch.414 art. 13. 606, 15 My 03  
**l Pa.** Providing for adjustment of school property on annexation of township to borough; division of money and debt. 103, 3 Ap 03  
**m Pa.** Boroughs or towns may annex adjacent territory on petition of majority of freeholders of section. 183, 22 Ap 03  
**n Pa.** Relating to payment of indebtedness of city, borough or township annexed to city under 100,000. Supplementing P. & L. Digest '94 p.612. 237, 25 Ap 03  
**p Pa.** Annexation of city, borough or township to contiguous city in same county; procedure; liquidation of indebtedness; government. 260, 28 Ap 03  
**q Tex.** Town or village council may by ordinance annex adjoining territory on vote of majority of voters of such territory. Adding art. 580a to R. C. S. 89, 31 Mr 03  
**r Wash.** City under 10,000 may be annexed to city over 20,000 by vote of former and ordinance [formerly vote] of council of latter. Amending '90 ch.7 §10. 145, 16 Mr 03  
**s Wis.** Amending S. '98 §925 subdiv.21a relating to detachment of territory from cities under 150,000 [formerly all cities]; provision for submitting question to people on petition of 5% of electors; regulations. 149, 2 My 03  
**t Wis.** Providing for apportionment of taxes to village incorporated from territory of town after assessment of taxes. Adding §925i to S. '98. 213, 11 My 03

## ADMINISTRATIVE LAW LOCAL GOVERNMENT

2442-4

## 2442 Classification of cities

- a O. Submitting amendment to Constitution art.13 §6 relating to classification of municipalities: cities of 100,000 or more to belong to 1st class; cities 25,000 to 100,000, 2d class; cities under 25,000, 3d class. *Rejected November 1903.* p.117, 22 O 02

## 2444 Incorporation. Dissolution

- a Id. Village over 1000 may organize as city of 2d class on petition of three fifths of voters. p.216, 9 Mr 03
- b Mich. Amending C. L. '97 §2685 whereby areas of less than one square mile in Upper Peninsula may be incorporated as villages. 51, 23 Ap 03
- c Minn. Platted district containing 140 [formerly 175] persons may become incorporated as a village on petition of 25 [formerly 30] electors and vote of electors. Amending S. '94 §1200-1. 208, 14 Ap 03
- d N. J. Providing for incorporation of towns, villages, boroughs, and townships of 4000 [formerly 5000]. Amending '95 ch.113. 5, 26 F 03
- e N. M. Town or village over 2000 may petition governor to issue proclamation declaring such town or village entitled to become a city; organization; boundaries. 111, 19 Mr 03
- f N. Y. Village may be incorporated by proposition of 25 freeholders to supervisor of town *and consent of owners of one third of real property.* Amending '97 ch.414 §3, 5-6. 139, 6 Ap 03
- g S. C. Certificate of incorporation of town of 1000 to 5000 to continue in force for 50 [formerly 30] years. Amending C. C. §1963. 43, 6 F 03
- h S. D. Incorporated cities under 250 may on petition be dissolved by Circuit Court; procedure. 91, 2 Mr 03
- i S. D. Towns with population of 250 [formerly 1000] may incorporate as city. Amending P. C. '03 §1409. 93, 4 Mr 03
- j Tenn. Providing for payment of debts and disposition of property of municipal corporations whose charters are repealed. 399, 11 Ap 03

## 2446 Liability for injuries

- a Col. Action for recovery for personal injury or death against city of 2000 or more to be commenced within 2 years; procedure. 175, 9 Ap 03
- b Mon. City or town not liable for damages resulting from defects in public works unless notice of injury is given within 60 days after injury occurred. 93, 5 Mr 03

## 2447 Powers

- a N. J. City governing board may regulate bill boards, signs and fences; penalty. 240, 8 Ap 03

2448

**Public printing and advertising**

- a **Ari.** Amending R. S. '01 §533 relative to publication of proceedings by city, town or village authorities. 21, 13 Mr 03
- b **N. Y.** Council of cities of 50,000 to 250,000 to designate 2 daily and 2 weekly official newspapers. Amending '98 ch.182 §29. 182, 15 Ap 03
- c **Wash.** Towns of 300 to 1500 may designate official newspaper. 120, 16 Mr 03
- d **Wy.** Providing for publication of proceedings of board of trustees or council of cities and towns. 51, 20 F 03

2452

**Town sites**

See Plats, town sites, 390

2454

**Wards**

- a **Va.** City council to redistrict city into wards when city limits are changed, or when population of a ward exceeds that of any other by 3000. 112, 28 Mr 03
- b **Va.** City wards to have proportional representation in each branch of council: council to reapportion representation by decennial census beginning 1903, or whenever ward boundaries are changed. 113, 28 Mr 03
- c **Wash.** Relating to redistricting of cities over 20,000 into wards in certain cases. 141, 16 Mr 03

2455

**Legislative body. Council**

- a **N. M.** Members of city council or town board of trustees to be resident property owners. 99, 19 Mr 03
- b **Pa.** Borough and city councils in cities under 1,000,000 may issue subpoenas and take testimony in cases of inquiry or impeachment; procedure. 38, 19 Mr 03
- c **Pa.** Providing for election of councilmen of boroughs by wards; regulations. 131, 13 Ap 03
- d **U.** President and members of board of trustees of town to give bond. Amending R. S. '98 §300. 80, 12 My 03

2463

**Ordinances**

2465 **Enactment**

- a **Ill.** Adoption of ordinances for local improvements in cities of 10,000 to 50,000 [formerly 50,000 or less]: provision for referendum in cities of 28,000 to 50,000. Amending '97 p.101 §4, '99 p.95 §4. p.101, 11 My; p.101, 15 My 03
- b **Pa.** Ordinance authorizing municipal improvement to be published in official newspapers *once a week for 3 weeks* [formerly 10 days] after introduction. Amending '95 ch.79 §9. 42, 19 Mr 03

2466 **Enforcement**

- a **S. D.** Revising P. C. '03 §1438 as to penalties for violation of ordinances of incorporated towns: fines not to exceed \$50 [formerly \$10] 90, 21 F 03

## ADMINISTRATIVE LAW LOCAL GOVERNMENT

2466-7

- b U. Corporations like natural persons may be proceeded against for violation of city ordinance; procedure. 26, 2 Mr 03
- c U. City attorney to prosecute appeals of criminal actions to District Court for violation of city ordinance; city to pay per diem and mileage of witnesses. 29, 2 Mr 03

2468

**Mayor**

- a Ill. Term of village president 2 years [formerly 1]; powers same as of city mayor. Amending R. S. '01 ch.24 § 193h. p.117, 17 Ap 03
- b N. J. Mayor in city over 100,000 may appoint secretary at \$175, and clerk at \$75 a month. 15, 5 Mr 03
- c Pa. Changing title of chief executive of cities of 100,000 to 1,000,000 from city recorder to mayor. 214, 23 Ap 03
- d Pa. Chief burgess of borough may administer oaths in matters pertaining to borough affairs. 223, 23 Ap 03

2471

**Veto**

- a N. M. City or town ordinance to have mayor's approval; vetoed ordinance to become valid if reconsidered at next meeting of council or board and passed by two thirds vote. 14, 28 F 03
- b U. In cities over 5000 ordinance vetoed by mayor to become valid if amended within 1 week by council and approved by mayor. Amending R. S. '98 §195. 20, 20 F 03

2472

**Municipal civil service***See also* Financial officers, 2588

2473

**General**

- a Col. Amending '95 ch.95 §5 as to salaries and bonds of officers in cities of 15,000. 174, 3 Ap 03
- b Mo. Amending R. S. '99 §5898, 5907 relating to elective and appointive officers in cities of 4th class. p.81, 24 Mr 03
- c Mon. Amending P. C. §4760 relative to filling vacancies in elective city offices and removal of officers. 72, 5 Mr 03
- d Okl. Amending S. '03 §505-6, 509, 512, 558-59 relating to town officers and trustees: trustees to appoint marshal; powers and duties; president of trustees to act in absence of justice of peace. 7, art. 1, 16 Mr 03

2474

**Appointments. Election**

- a Kan. Providing for *biennial* [formerly annual] election of mayor, police judge and councilmen in cities of 250 to 2000; vacancies. Amending '71 ch.60 §5. 137, 7 Mr; 138, 3 Mr 03
- b N. D. Mayor, with consent of council, to fill vacancies in office of city treasurer, police magistrate and justice of peace. 53, 9 F 03

2478

**Tenure of office. Discipline**

- a Cal. Municipal officers, *including clerk and attorney*, to hold office for 4 [formerly 2] years. Amending '83 ch.49 § 752. 38, 26 F 03

1478-97

## N. Y. STATE LIBRARY SUMMARY OF LEGISLATION 1903

- b **N. M.** Fixing term of office of mayor, clerk, treasurer, aldermen and members of board of education of cities.

9, 28 F; 36, 12 Mr; 93, 18 Mr 03

- c **U.** Amending R. S. '98 §887 relating to terms of municipal officers.

64, 12 Mr 03

2480

**Special officers**2482 **Attorney**

- a **Wis.** Common council of city under 150,000 may employ assistant city attorney. Adding subdiv. 70 to S. '98 §959.

150, 2 My 03

2484 **Clerk**

- a **N. J.** Repealing '02 ch.140 providing, in case of incapacity, for appointment of acting city clerk.

89, 26 Mr 03

2490

**County and township government***See also specific functions of counties and towns—Roads, Charities, Drainage etc.*

2491

**County organization generally**

2492

**General**

- a **U.** Amending R. S. '98 §511 relating to powers of county commissioners.

122, 23 Mr 03

- b **Wis.** Referring to next Legislature amendment to Constitution art. 4 §23; Legislature may establish separate system of county government in counties containing city over 100,000. *Not repassed by Legislature of 1903.*

p.716, '01

2495

**County seats**

- a **N. M.** County offices to be maintained at county seat.

38, 12 Mr 03

- b **Or.** County Court, on petition of three fifths of electors for removal of county seat, to submit question at next election of county officers; procedure; three fifths majority of votes cast required; question may not be resubmitted for 4 years.

p.165, 24 F 03

- c **Tex.** Amending R. C. S. art.812 relating to submitting to electors question of removal of county seat on petition of freeholders and qualified voters; number of petitioners required in small counties.

93, 31 Mr 03

2497

**County records***See also Record of conveyance, 396*

- a **Id.** County recorder to number consecutively all instruments, papers and notices recorded.

p.428, 10 Mr 03

- b **Me.** County commissioners to provide books of tracing cloth for recording of plans; register of deeds may employ draftsman.

65, 10 Mr 03

- c **Minn.** County commissioners may employ county register of deeds to make transcript of old books of record.

124, 3 Ap 03

- d **N. D.** County records to be kept in courthouse; penalty.

77, 10 Mr 03

- e **Pa.** New indexes of county records made according to '91 ch.119 to be notice to all persons of recording of papers to which they refer. 200, 23 Ap 03
- 2498 **New counties. Consolidation. Division**
- a **Id.** Submitting amendment to Constitution art.18 §4: new counties may not be established except by vote of majority of electors in territory proposed to be included. *Vote November 1901.* p.455, 7 Mr 03
- b **Minn.** In case of division of county, board of commissioners of original county may authorize transfer of certain records to new county. 84, 25 Mr 03
- c **Minn.** Amending '93 ch.143 §8 as to canvass of votes for change of county boundaries and publication of governor's proclamation declaring proposition adopted. 143, 8 Ap 03
- d **Minn.** During pendency of action to test validity of organization of new county, deeds and other instruments may be filed in original county. 193, 14 Ap 03
- e **N. M.** Territory formed into new county or added to existing county not to be released from indebtedness; boards of county commissioners to levy uniform tax throughout territory of original county. 20, 10 Mr 03
- f **N. D.** Any number of contiguous unorganized counties having 1000 inhabitants may be organized as 1 county. Amending R. C. '99 §1823-25. 64, 19 Mr 03
- g **U.** Territory of county may be annexed to adjoining county on petition of majority of voters of territory and majority vote of electors of each county. 107, 12 Mr 03
- h **Wash.** On petition of *four fifths* [formerly majority] of electors in territory *not less than 1 acre in area* desiring separation from county, county commissioners to call special election. Amending '91 ch.144 §1. 121, 16 Mr 03
- 2499 **Printing**
- a **Ind.** Notices by county auditors and treasurers to be published in 2 newspapers, 1 representing the 2 leading political parties. 207, 9 Mr 03
- 2500 **Governing body. Commissioners. Supervisors. Chosen freeholders**
- 2501 **General**
- a **Cal.** Amending '97 ch.277 §36 relating to power of board of supervisors to contract debts or liabilities. 277, 24 Mr 03
- b **Ill.** Members of county board may not receive fee for administering oath. Amending R. S. '01 ch.34 §56. p.137, 14 My 03
- c **Me.** County commissioner ineligible to office of mayor or city assessor, town selectman or assessor. 121, 19 Mr 03
- d **Minn.** County commissioners to elect vice chairman. 37, 6 Mr 03



- e N. J. Incorporating freeholders of counties: majority v  
elect freeholders except in counties of 1st class. 170, 24 Mr 95  
*constitutional* as to majority vote. Special legislation. Otis v  
54 A. 442.
- f Wis. County board of supervisors to elect vice chairman  
form duties of chairman in case of disability. 110, 2

## 2504 Election. District. Vacancies. Number. Term

- a Id. Submitting amendment to Constitution art.18 §10:  
office of county commissioners to be 4 [formerly 2] years;  
elections. *Vote November 1904.* p.450,
- b Kan. County commissioners to hold office for 4 [form  
years. Amending 'or ch.129 §2. 233, 2
- c Neb. County commissioners to be elected by vote  
*county* [formerly district which they represent]. Amending  
§2134-35. 30,
- d N. D. Amending R. C. '99 §1896 relative to term of  
county commissioners of certain counties. Repealing '85 ch.  
74,
- e Va. County commissioners of revenue to be elected No  
1903 and quadrennially thereafter, to hold office from fi  
Jan. 1. 120, 2
- f Va. Commissioner of revenue to be elected by ea  
November 1905 and quadrennially thereafter, to hold offi  
following Jan. 1. 121, 2
- g Wis. In cities under 150,000, supervisors to be electe  
year [formerly 2]. Amending 'or ch.443 §1. 28, 2

## 2505

## Meetings

- a Wy. County commissioners to hold regular meeting  
[formerly quarterly]. Amending R. S. '99 §1057. 11,

## 2509

## Reports. Records

- a Minn. Board of *county* commissioners to publish annual  
statement; publication to be made in daily paper in counties ovr  
Amending S. '94 §680. 390, 2

## 2510

## Salaries. Fees

- a Minn. County commissioners may not be paid for  
[formerly 20] days' attendance at meeting of board. Amendi  
§665. 103, 3
- b S. D. County commissioners to receive \$4 [formerly \$3  
annual total not to exceed \$200 [formerly \$125]. Amending  
§1841. 103,
- c S. D. Certificate of county auditor relative to popul  
counties to be used as basis for salaries of county officers; rul  
104

## ADMINISTRATIVE LAW LOCAL GOVERNMENT

511

**County civil service***See also Financial officers, 2588*

1512

**General**

- a **Ari.** County officers may appoint deputies: constables excepted. Amending R. S. '01 §1059. 12, 12 Mr 03
- b **Neb.** Amending C. S. '01 §2908 as to number and terms of office of certain county and township officers; county assessor. 38, 10 Ap 03
- c **Va.** Amending C. §819 relating to residence of county and district officers. 315, 20 My 03

1514

**Oath. Installation**1515 **Bonds**

- a **Wis.** Amending S. '98 §702 relating to bonds of county officers: compensation paid to surety companies limited to  $\frac{1}{8}\%$  [formerly 1] of bond. 376, 21 My 03

1517

**Salaries. Fees**

- a **Col.** Amending '01 ch.80 §1 relating to classification of counties to regulate salaries of county officers. 161, 10 Ap 03
- b **Ill.** Amending '98 p.34 §1-2 as to salary of county treasurer and county assessor in certain counties for certain services. p.295, 15 My; p.299, 27 Ap 03
- c **Ind.** County recorder to be paid by salary in lieu of fees and charges. 103, 7 Mr 03
- d **Ind.** Amending '95 ch.145 §124 relating to fees of county officers. 180, 9 Mr 03
- e **Neb.** Amending C. S. '01 §3113, 3115 relating to salary of county treasurer, commissioners and supervisors. 42, 10 Ap 03
- f **Neb.** Amending C. S. '01 §3135 as to fees of certain county officers and their deputies in counties of 18,000 to 25,000. 43, 8 Ap 03
- g **N. D.** "Valuation" when used as basis of salaries of county officers to mean valuation fixed by State Board of Equalization on preceding year; salaries based thereon to begin Jan. 1. 203, 10 Mr 03
- h **S. D.** Regulating salaries of registers of deeds and county auditors. Amending P. C. '03 §894. 207, 11 Mr 03
- i **U.** Salaries of deputies and assistants of county officers *excepting deputy and assistant assessors and surveyors* not to exceed two thirds of salary of principal. Amending R. S. '98 §2062. 27, 2 Mr 03
- j **U.** Amending R. S. '98 §1012 relative to payment of jurors, witnesses, county treasurer and assessor and assistants. 34, 5 Mr 03
- k **U.** Salaries of *all* county officers to be paid by county [formerly one half of salary of assessor, treasurer and deputies was paid by state]. Amending '01 ch.47. 133, 23 Mr 03

1518

**Tenure of office. Discipline**

- a **Fla.** Submitting amendment to Constitution art.8 §6: term of county assessor, collector and treasurer 4 years after 1906. *Vote November 1904.* p.636, 30 Ap 03

## N. Y. STATE LIBRARY SUMMARY OF LEGISLATION 1903

- b Or. Amending Ann. C. & S. §2533 making term of county assessor and county commissioners 4 [formerly 2] years.

p.181, 24 F 03

- c Tenn. Submitting amendment to Constitution art.7 §1: sheriffs, registers and county trustees be elected for 4 [formerly 2] years; ineligible for 2d term till expiration of 4 years. *Vote November 1904.*

532, 2 Ap 03

2519

## Special officers

- a Fla. County solicitor may appoint assistant in counties where criminal courts of record are established; powers and duties; compensation.

21, 5 Je 03

- b Pa. County solicitor to hold office *during term of commissioners appointing him* [formerly for 3 years]. Amending '95 ch.75 §2.

11, 5 Mr 03

2521 Clerk

- a Ark. Regulating payment of fee of county clerk for executing tax deed. Amending S. '94 §6631.

29, 21 F 03

- b Ind. Repealing '01 ch.182 as to beginning of term of office of county clerk.

19, 19 F 03

- c Vt. Fixing annual salaries to be paid to county clerks in lieu of fees and per diem allowance and fixing fees to be paid county clerks for the use of the state.

153, 11 D 02

2523 Surveyor. Engineer

*See also Property lines, 386*

- a Ill. Penalty for impersonation of county surveyor. Amending R. S. '01 ch.133, §1.

p.349, 13 My 03

- b Kan. Amending '01 ch.39 §25 relating to fees of county surveyor.

244, 4 Mr 03

2525

## Townships. Towns

Under this head are included governments that constitute the primary division of the county. In the New England states and in New York and Wisconsin towns are primary divisions of the county and are classed here; in many states they are densely populated incorporated communities and are classed with municipalities. In Illinois and Minnesota the primary division of the county is called both "town and township" and in Illinois there are besides a number of incorporated towns.

2526

## General

- a Mo. Amending R. S. '99 §10228 relating to adoption of township organization.

p.271, 25 Mr 03

2530

## Organization. Division. Consolidation. Dissolution

- a Ill. On request of city of 15,000, being composed of parts of 2 or more townships, to organize as new township, county board to provide for organization. Amending R. S. '01 ch.139 §136.

p.352, 14 My 03

- b Ill. Amending R. S. '01 ch.139 §26 relating to changes of township boundaries made by county board or board of supervisors of county.

p.353, 14 My 03

## ADMINISTRATIVE LAW LOCAL GOVERNMENT

2530-

- c N. H. Annexation of part of town to another must be ratified by each town by two thirds majority at annual town election.  
99, 31 Mr 03
- d N. J. Repealing '96 ch.183, '97 ch.156, '99 ch.1, 127 relative to apportionment of assets and liabilities of townships in case of division.  
76, 26 Mr 03
- e N. D. Amending R. C. '99 §2680b, 2680d relative to dissolution of townships: vote; records; discharge of debts. 199, 19 Mr 03
- f S. C. Ratifying amendment to Constitution art. 7 §11, adopted by people November 1902: abolishing certain corporate townships and officers in certain counties. 2, 23 F 03

1531

## Meetings. Elections

- a Ct. Referring to Legislature of 1905 constitutional amendment permitting towns to hold annual or biennial elections. p.207, 20 My 03
- b N. H. Moderators of town meeting in case of vacancy to be appointed *by town or ward board of supervisors of check lists or selectmen* [formerly by popular vote at meeting]. Amending P. S. ch.42 §2, 3. 64, 7 Mr 03
- c N. Y. Amending town law '90 ch.569 §10 relating to time and place for biennial town meeting. 339, 6 My 03
- d Wis. Amending S. '98 §789 as to time of posting notices of special town meetings. 309, 18 My 03

1532

## Town boards. Officers

1533 General

- a Ari. Township officers may appoint deputies: constables excepted. Amending R. S. '01 §1059. 12, 12 Mr 03
- b Ct. Amending G. S. '02 §1808 relating to election and appointment of town officers. 162, 11 Je 03
- c Minn. Providing for *annual election of 1* town supervisor [formerly triennial election of 3] for term of 3 years. Amending S. '94 §928. 64, 19 Mr 03
- d Neb. Town clerk, justice of peace and *treasurer* [formerly assessor] to constitute town board. Amending C. S. '01 §2322. 35, 8 Ap 03
- e N. J. Townships of 4500 to elect for 3 years township committee of 5 members and road supervisor. Supplementing '99 ch.169. 9, 26 F 03
- f N. D. Township supervisors to meet on Tuesday succeeding annual town meeting. Amending R. C. '99 §2591. 200, 9 Mr 03
- g S. D. Township officers to be elected by ballot, and highway overseers by respective road districts. Amending P. C. '03 §1007. 136, 10 Mr 03
- h Vt. Amending S. '94 §2982, '00 ch.44 allowing women, 21 years of age to be elected or appointed to office of town clerk, *or treasurer or both* and repealing provision making them eligible to position of public library trustee. 56, 6 N 02

## 2535 Salaries. Fees

- a Me. Towns of 4000 may vote selectmen \$5 a day for services.  
110, 18 Mr 03

## 2536 Tenure of office

- a Kan. Township officers to hold office for 2 years [formerly 1].  
Amending G. S. '01 §7758 and repealing §7769. 235, 7 Mr 03

## 2537 Vacancies

- a Pa. Court of Quarter Sessions to fill vacancies in office of commissioner or treasurer in townships of 1st class on petition of 20 voters.  
Supplementing '99 ch.86. 143, 15 Ap 03
- b Pa. Board of commissioners in townships of 1st class may fill vacancies in board or in office of township treasurer.  
201, 23 Ap 03

## 2538 Special officers

## 2540 Clerk

- a Ct. Amending G. S. '02 §1844 relating to appointment and bond of assistant town clerk.  
191, 18 Je 03

## 2549 Trustees

- a Ind. Providing for publication in newspapers of annual reports of township trustees: exception.  
45, 28 F 03

## 2550

## Local finance

Only the *purely* financial matters are here placed. Authorization of taxes, assessments, bonds etc. for special municipal purposes—schools, libraries, lights, streets etc. are classified under these heads. They are however also *indexed* under Taxes etc. Miscellaneous provisions as to assessment and collection of taxes in local bodies are under Taxation, as such provisions usually apply to all classes of taxes. See particularly School finance, 2237

## 2552

## Property

## 2553

## Lands. Purchase. Sale. Lease

- a Me. Defining timber and grass relating to public lots in unincorporated townships.  
232, 28 Mr 03
- b Minn. County commissioners may convey county property not used by county.  
148, 8 Ap 03
- c Mon. Amending P. C. §5117 relating to disposal of unclaimed lands in cities or town sites.  
99, 6 Mr 03
- d N. J. Towns may sell unsuitable lands on vote of two thirds of governing body.  
111, 7 Ap 03
- e N. J. Governing boards of cities may sell or exchange public lands no longer needed for public purposes.  
157, 8 Ap 03
- f Okl. County commissioners may sell lands not needed for jail or courthouse purposes; regulations.  
10, 14 Mr 03
- g Wash. County property may be leased to school district for 99 years. Amending '01 ch.87.  
57, 9 Mr 03

## 2554

## Eminent domain

- a Mich. Amending village law. '95 ch.3, art.13 relating to appropriation of private property.  
176, 4 Je 03

## ADMINISTRATIVE LAW LOCAL GOVERNMENT

251

- a **Minn.** Extending provisions of S. '94 §1240-45 relating to acquisition of property by certain villages to all villages in state.

370, 21 Ap 03

## 2555 Buildings and grounds

- a **Ind.** Board of county commissioners may provide public hall; or city council may cooperate in constructing a combined market house and public hall.

133, 9 Mr 03

- b **Kan.** City over 15,000 may, by vote of majority of legal voters, sell real estate and issue bonds for erection of public buildings.

129, 6 Mr 03

- c **Minn.** Cities over 50,000 may issue bonds not exceeding \$150,000 for auditorium.

384, 21 Ap 03

- d **N. J.** Providing for further issue of bonds, aggregate not exceeding 8% of valuation, for county buildings. Supplementing '00 ch.95.

7, 26 F 03

- e **N. J.** Counties from 50,000 to 150,000 may issue bonds to \$450,000 [formerly \$200,000] for erection of buildings for transaction of public business. Amending '95 ch.285 §4.

18, 5 Mr 03

- f **N. J.** Boards of chosen freeholders on petition of 50% of voters for removal of county buildings used for courts and public offices may call special election; regulations.

27, 13 Mr 03

- g **N. J.** Governing bodies of cities may acquire lands by purchase or condemnation and erect buildings for city purposes; issue of bonds to sum of \$300,000; public property not needed may be sold.

269, 17 Ap 03

- h **Okl.** County commissioners may levy annual tax of 10 mills for 5 years for construction of public buildings; submission of question to popular vote. Supplementing S. '03 §1418-22.

11, 16 Mr 03

- i **Va.** Circuit Court of county or *Corporation Court of city* to issue mandamus against county supervisors to compel erection of jail or repair of jail or *courthouse*. Amending C. §931.

155, 15 Ap 03

- j **Wis.** Cities organized under general or special charter may issue bonds for city markets. Amending S. '98 §925 subdiv.133 and §926 subdiv.111.

427, 22 My; 428, 22 My 03

- k **Wy.** County commissioners, on vote of electors, may issue bonds, not to exceed 2% of taxable property including existing indebtedness of county, for construction of courthouse and jail; special tax levy.

76, 21 F 03

## 2556 City and town hall

- a **Cal.** City or town may establish public assembly hall: concurrence of majority of municipal legislative body and two thirds of voters; bond issue; total city indebtedness not to exceed 15% of assessed valuation.

286, 25 Mr 03

## 2558 Insurance

- a **Wis.** Organization of mutual fire insurance companies to insure county insane asylums and almshouses of counties not having asylums; at least 10 counties to be represented, with asylums representing value of \$250,000; corporation may by two thirds vote

# STATEMENT OF RECEIPTS AND DISBURSEMENTS

For the year ending 1960, the following receipts and disbursements were received and paid:

## Receipts and disbursements generally

1. **Receipts**

(a) From the sale of land, buildings, and other property, \$100,000.00.

(b) From the sale of stocks, bonds, and other securities, \$50,000.00.

(c) From the sale of other property, \$25,000.00.

(d) From the sale of other property, \$15,000.00.

(e) From the sale of other property, \$10,000.00.

(f) From the sale of other property, \$5,000.00.

(g) From the sale of other property, \$2,500.00.

(h) From the sale of other property, \$1,250.00.

(i) From the sale of other property, \$625.00.

(j) From the sale of other property, \$312.50.

(k) From the sale of other property, \$156.25.

(l) From the sale of other property, \$78.12.

(m) From the sale of other property, \$39.06.

(n) From the sale of other property, \$19.53.

(o) From the sale of other property, \$9.77.

(p) From the sale of other property, \$4.88.

## Taxes

(a) State income tax, \$10,000.00.

(b) Federal income tax, \$5,000.00.

(c) State property tax, \$2,500.00.

(d) Federal property tax, \$1,250.00.

(e) State sales tax, \$625.00.

(f) Federal sales tax, \$312.50.

## ADMINISTRATIVE LAW LOCAL GOVERNMENT

2566-

- e Nev.** Gradual reduction of taxes for city or town purposes, exclusive of interest and sinking fund of bonded debt, to  $\frac{1}{2}\%$  of assessed valuation; emergency loans, with approval of State Board of Revenue.  
123, 20 Mr 03
- f N. M.** City or town may levy special tax of 4 mills for water supply or 2 mills for lighting purposes.  
13, 28 F 03
- g N. M.** County commissioners may levy tax not exceeding 5 [formerly  $3\frac{1}{2}$ ] mills for current expenses. Amending C. L. '97 §4021.  
108 §9, 19 Mr 03
- h N. D.** City tax levy to be made before *or within 10 days after* 1st Monday in *September* [formerly August]; to be transmitted to county auditor by city *auditor* [formerly clerk]. Amending R. C. '99 §2494.  
160, 24 F 03
- i Or.** School districts of incorporated towns and cities and *public corporations* to notify county clerk of tax rate by *Jan. 1* [formerly Feb. 1]. Amending Ann. C. & S. §3098.  
p.23, 12 F 03
- j Tenn.** County courts may levy tax to meet current expenses and indebtedness when municipal charter has been abolished. 356, 15 Ap 03
- k Tenn.** County Court in counties of 60,000 to 90,000 to make annual estimate of revenue to be raised and fix tax rate therefor; limitation.  
583, 7 Ap 03
- l U.** County may annually levy tax of 5 mills for *general* purposes, 4 mills for schools and 1 mill for *poor relief*. Amending R. S. '98 §2593.  
127, 23 Mr 03
- m U.** Amending R. S. '98 §2688-91, 2693 relating to tax levies in cities and incorporated towns. Repealing '99 ch.61. 132, 23 Mr 03

2568

## Special assessments

See also Special purposes of assessments, streets, sewers, etc.

## 2569 General

- a Fla.** Amending R. S. '92 §682 relative to special assessments on real estate: installments; interest; lien.  
41, '03
- al Ill.** Amending '97 p.101 §19, 38, 42, 61, 74, 84 relating to special assessments: individual and municipal assessments may be paid in 10 [formerly 5] instalments; assessments for sewers, *subway or viaducts* in 20 [formerly 10] instalments; procedure in crediting excess on assessments.  
p.102, 14 My 03
- b Ind.** Common school corporations liable for municipal assessments for public improvements.  
190, 9 Mr; 204, 9 Mr 03
- c Kan.** Regulating internal improvement bonds and special assessments in cities under 15,000.  
78, 9 Mr 03
- d Kan.** Amending G. S. '01 §1111 relating to special assessments for improving streets in cities of 2000 to 15,000.  
133, 4 Mr 03
- e Me.** Amending R. S. '83 ch.18 §32-35 relating to assessments on abutters on city streets.  
167, 26 Mr 03
- f Mo.** Relating to contracts and betterment taxes in cities of 4th class in cases where council limits cost to be assessed against abutting property. Adding §5860a to R. S. '99.  
p.79, 23 Mr 03



- g Mon.** Amending '97 p.212 §14, 15, 27, 31, 44 relating to special assessments and special improvement districts in cities and towns. 123, 7 Mr 03
- h N. J.** Special assessment levied by towns for improvements on lands to be payable in 10 annual instalments. Supplementing '95 ch.112. 206, 8 Ap 03
- i S. D.** Amending P. C. '03 §1304 relating to special assessments for improvements in cities. 66, '03
- j Tenn.** Referring to next Legislature amendment to Constitution art.11 by adding §21: counties, cities and towns may levy assessment on part of territory for local improvements. *Not repassed by Legislature of 1903.* p.1266, 19 Ap 01
- k Wash.** Council of city under 20,000 may by unanimous vote order payment of 25% of cost of improvements chargeable to abutting property out of current expense fund. Amending '99 ch.126 §2. 27, 4 Mr 03
- l Wash.** Council of city over 20,000 may not order improvements exceeding 50% of valuation of real estate exclusive of improvements except by petition of owners of three fourths of property to be assessed. 82, 12 Mr 03
- m Wash.** Amending '01 ch.113 relating to special assessments in cities: local improvement districts; cost of sewers to be paid by *special assessment* [formerly from sewer fund]. 124, 16 Mr 03
- n Wash.** Hearing of report of assessment commissioners in cities over 20,000 to be conducted without jury. Amending Ann. C. & S. '97 §793. 129, 12 Mr 03
- p Wis.** Property of county, school district, town, municipality or corporation to be liable for special assessments. 425, 22 My 03
- 2571 Assessment bonds**
- a Minn.** Council of city over 50,000 may issue \$350,000 bonds to create fund to pay cost of local improvements in advance of collection of assessments. 24, 3 Mr; 306, 21 Ap 03
- b Minn.** City over 50,000 may by five sixth vote of council issue bonds not to exceed \$150,000 to create special fund for street and sewer improvements at street intersections and in front of property exempt from special assessment. 34, 6 Mr; 383, 21 Ap 03
- 2572 Collection**
- a Minn.** Penalties accruing on special assessments to be paid to city, town, village or borough; other penalties and costs to be divided equally between county and school districts. Amending '02 ch.2 §51. 324, 21 Ap 03
- b N. D.** As between vendor and vendee, special assessments to become lien on real property on Dec. 1 after they have been returned to county auditor. 35, 12 Mr 03
- c Wis.** Actions brought to set aside special assessments limited to 1 year. Amending S. '98 §1210h. 357, 20 My 03
- d Wis.** Amending S. '98 §959 subdiv.30 relative to time for payment of assessments for street improvements in cities over 10,000. 363, 20 My 03

## ADMINISTRATIVE LAW LOCAL GOVERNMENT

2573-8

**2573 Reassessment**

- a Wis.** Amending S. '98 §1210d relating to reassessment of void special assessments. 276, 14 My 03

**2575 Budget. Accounts****2577 Appropriation. Tax levy. Expenditures**

- a Vt.** Towns and cities voting appropriations to vote specific tax for each purpose. 18, 11 D 02

**2781 Reports**

- a W. Va.** Amending C. ch.39 §35 relative to the publication and posting of annual fiscal report of county; itemized account to include road expenditure. 34, 28 F 03

**2583 State supervision. Uniform accounts**

- a Fla.** Creating office of state auditor to examine annually books and accounts of state and county officials; biennial report to Legislature. Repealing '99 ch.188, '01 ch.100. 14, 29 My 03
- b Fla.** County officers to keep books of accounts and of record, according to forms approved by state auditor; county treasurer to balance books and report monthly to commissioners; penalty. 71, 30 My 03
- c Me.** Repealing R. S. '83 §14, 17 relating to report of county treasurer to be made to secretary of state. 43, 4 Mr 03
- d Nev.** Counties to make annual financial reports to comptroller in form prescribed by State Board of Revenue; board may employ examiner to inspect county accounts. Counties with debt of \$200,000 excepted. 78, 13 Mr 03
- e Nev.** Cities to make annual financial report to state comptroller; State Board of Revenue may instruct examiners to inspect accounts of city or town. 123, 20 Mr 03
- f N. Y.** Mayors and chief fiscal officers of cities under 500,000 to make annual financial reports to secretary of state. 347, 6 My 03

**2585 Warrants**

- a Col.** Prohibiting local and school district officers from dealing in warrants; penalties. 97, 10 Ap 03
- b Fla.** County treasurers to register unpaid warrants and pay in order of registration: penalty. 78, 4 Je 03
- c Minn.** Village treasurer to keep special record of orders which he can not pay for want of funds; interest; bond of treasurer. Amending S. '94 §1219. 190, 14 Ap 03
- d U.** Amending R. S. '98 §1012 relating to payment of *certificates* [formerly warrants] issued by *clerk of District Court* [formerly county auditor] to jurors and witnesses in criminal cases. 130, 23 Mr 03

**2586 Claims. Judgments**

- a Ind.** Incorporated city to make special levy for payment of final judgment. 69, 3 Mr 03

- b **Minn.** Amending S. '94 §1499, 1504 relating to collection of judgment against municipalities: when municipality has no treasurer, county treasurer to pay judgment; creditor may have judgment assessed against property if municipality has no officers who can levy taxes to pay judgment. 123, 3 Ap 03
- c **Minn.** Amending S. '94 §644 relative to claims against county and appeals from disallowance by county commissioners; excepting counties over 75,000. 337, 21 Ap 03
- d **N. Y.** Comptrollers' audit of claims against cities of 50,000 to 250,000 may be appealed from by claimant *within 5 days* or by taxpayer, council, *mayor, treasurer or corporation counsel* within 10 days after meeting of council. Amending '99 ch.182 §65. 529, 9 My 03
- e **S. D.** Cities, towns, counties, boards of education and school and civil townships may issue judgment bonds; regulations. 81, 3 Mr 03
- f **U.** Action on claim against county, *incorporated city or town* to be commenced within 1 year after rejection of claim. Amending R. S. '98 §2881. 18, 20 F 03
- g **U.** Claims against city or town, excepting claims for damages, to be presented within 1 year after last item of claim accrued. Amending R. S. '98 §312-13. 19, 20 F 03
- h **Wis.** To reimburse holders of county orders issued under '95 ch.203, since declared invalid. 468, 13 My 01. *Unconstitutional.* Tax for private purposes. *State v. Froehlich*, 94 N. W. 50.

## 2587

## Funds

- a **Ari.** Relating to transfer of county bond funds to general fund in certain cases. 22, 13 Mr 03
- b **Ark.** In certain counties \$200 to be paid out of revenue from liquor license to school fund. Amending S. '94 §4858. 164, 25 Ap 03
- c **Ind.** Amending '99 ch.154 §24 relating to reversion of unexpended county appropriations to general fund. 136, 9 Mr 03
- d **Minn.** In counties under 75,000 county commissioners may by unanimous vote transfer moneys from one county fund to another. 355, 21 Ap 03
- e **N. D.** County commissioners may create building fund and transfer balances from certain funds thereto. Amending R. C. '99 §1917. 73, 10 Mr 03
- f **Okl.** Cities over 2500 may use surplus funds in payment of legal expenses. Amending and supplementing S. '03 §467. 6 art.2, 16 Mr 03
- g **Pa.** Surplus money in hands of county or borough overseers of poor to be paid to county supervisors of highways and to borough tax fund respectively. 8, 5 Mr 03
- h **U.** County auditor to file semiannual statements of warrants drawn for salaries of assessor and treasurer and assistants and apportion amounts to taxing funds;  $1\frac{1}{2}\%$  of special school taxes collected to be paid to county. 131, 23 Mr 03

## ADMINISTRATIVE LAW LOCAL GOVERNMENT

251

2588

## Financial officers

- a **Cal.** Municipal treasurer to be paid by fees *unless allowed salary by board of trustees*. Amending '83 ch.49 §876. 249, 20 Mr 03
- b **Mich.** Submitting amendment to Constitution art.10 §10 providing for board of county auditors in counties of Saginaw, Jackson, Washtenaw and Kent. *Adopted April 1903*. p.428, '03
- c **Minn.** Governing body of village, town or school district may allow cost of surety of bond of treasurer. Amending '95 ch.175 §57, '01 ch.145. 239, 17 Ap 03
- d **Va.** County or city treasurer may secure from Circuit Court discharge from liability 2 years after end of last term; regulations. 200, 5 My 03

2593 County auditor. Comptroller

- a **Minn.** Deputy county auditors may administer oaths *and take acknowledgments*. Amending '97 ch.44. 67, 19 Mr 03
- b **N. D.** Term of office of county auditor to commence in *April* [formerly March]. Amending R. C. '99 §2072a. 72, 10 Mr 03
- c **Pa.** Report of county auditor to be published not later than *June 1* [formerly in February]. Amending P. & L. Digest '94 p.1032. 170, 21 Ap 03
- d **U.** Amending R. S. '98 §976 relative to fees of county auditor. 28, 2 Mr 03

2594 County treasurer

- a **Mich.** Amending C. L. '97 §2548 as to fees of county treasurer for transcripts and abstracts. 173, 2 Je 03
- b **Neb.** County treasurer to have official seal. 31, 11 Mr 03
- c **N. Y.** Governor may remove county treasurer after hearing. Amending public officers law '92 ch.681 §23. 128, 3 Ap 03
- d **Va.** County supervisors to settle judgments in favor of county against treasurer or ex-treasurer and sureties; proviso. 160, 20 Ap 03
- e **Wash.** County treasurer to be provided with official seal. 15, 21 F 03

2596 Township treasurer

- a **Me.** Town collector ineligible to office of treasurer prior to final settlement with town. Amending R. S. '83 ch.3 §12, and repealing R. S. '83 ch.6 §176. 45, 4 Mr 03
- b **Me.** Designating bonds to be given by treasurers of towns and plantations. 161, 26 Mr 03
- c **Mich.** Minor amendment to C. L. '97 §3866 relative to bond of township treasurer. 28, 9 Ap 03
- d **Mich.** Township treasurer to give bond within *30 days after notice of election* [formerly time limit of filing oath of office]. Amending C. L. '97 §2354. 29, 9 Ap 03

2597

## Debts. Bonds

*See also special purposes for which debts are created — Buildings, Parks, etc.*

- a **Cal.** Municipal coupon bonds may be converted into registered bonds at will of owner. 57, 28 F 03

- b **Cal.** By vote of two thirds of qualified electors, municipal corporations may declare bonded indebtedness at once payable; procedure in actions brought on such bonds. 149, 16 Mr 03
- c **Cal.** Reenacting P. C. §681 directing clerk of board of trustees, common council or other governing board voting bonds to notify State Board of Examiners and state treasurer of such issue. 280, 25 Mr 03
- d **Ct.** Town under \$2,000,000 valuation with bonded railroad indebtedness may receive state aid in any one year not exceeding 1% of indebtedness, provided town pays equal amount on principal of debt; procedure; act to continue in force till Oct. 1, 1908. 161, 11 Je 03
- e **Fla.** Amending R. S. '92 §596 relating to advertising for bids on county bonds. 95, 5 Je 03
- f **Id.** Amending R. S. §3609 relating to funding and refunding county debts. p.366, 6 Mr 03
- g **Ill.** Providing for refunding of surplus funds in state treasury to the credit of civil divisions, when bonds become barred by statute of limitations; appeal; procedure. p.86, 15 My 03
- h **Kan.** Cities over 15,000 may compromise and refund indebtedness to Nov. 1, 1903; 25 year 5% bonds may be issued to \$250,000; special annual tax for sinking fund; procedure; penalty for misappropriation of funds. 37, 26 Je 03
- i **Mass.** Debts incurred by city or town to establish parks to be payable within 30 years. Amending R. L. ch.27 §11. 375, 22 My 03
- j **Mich.** Counties and townships may, with consent of bondholders, extend time of payment of bonded indebtedness by issuing refunding bonds at lower interest rate; regulations. 192, 9 Je 03
- k **Minn.** City over 50,000 may, by three fourths vote of council, vote bonds not exceeding \$600,000, or \$200,000 in one year, to refund outstanding indebtedness or defray cost of bridges, buildings or sewers. 304, 20 Ap 03
- l **Minn.** Amending title of '93 ch.163 authorizing towns to issue bonds to refund outstanding bonds or floating indebtedness. 325, 21 Ap 03
- m **Minn.** County commissioners of county having bonded indebtedness may create sinking fund. 381, 21 Ap 03
- n **Mon.** Cities having reached constitutional limit of indebtedness may do business on a cash basis. Amending P. C. §4811-12. 30, 25 F 03
- p **Mon.** City or town without sufficient moneys to pay redeemable, maturing or optional bonds may issue refunding bonds. 124, 7 Mr 03
- q **Neb.** Amending C. S. '01 §696-700 relative to compromising indebtedness of county, city, village, or school district: issue of bonds; maturity. 10, 7 Ap 03
- r **N. J.** Amending '97 ch.161 §41 relating to bond issue by boroughs: sinking fund. 103, 2 Ap 03

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- s N. M.** Governor, secretary and treasurer of territory to constitute commission to refund indebtedness incurred by counties in aid of railroad construction; to issue bonds, and provide for sinking fund; procedure; county to pay expense of refunding. 89, 18 Mr 03
- t N. M.** County commissioners of counties having bonded indebtedness exceeding 20% of taxable property may, with consent of owners of bonds, compromise indebtedness; compromise to be void in default of payment of interest for 1 year. 95, 18 Mr 03
- u N. Y.** Village may borrow money to widen or alter streets, establish site for free public library or pay certificates of indebtedness. Amending village law '97 ch.414 §128. 617, 15 My 03
- v S. D.** Township supervisors may levy sinking fund tax to redeem water bonds. Amending P. C. '03 §2702. 73, 11 Mr 03
- w Tex.** Amending R. C. S. art.877 authorizing county commissioners to issue bonds for courthouse, roads and bridges: provisos. 4, 28 Ap 03
- x Tex.** Submitting amendment to Constitution art.17 §1: Legislature may authorize political subdivisions of state to issue bonds not over one fourth assessed valuation of real estate for construction of roads and irrigation works, and improvement of streams; proviso. *Vote November 1904, unless special election is held sooner.* p.246, 1 Ap 03
- y Va.** Municipalities may issue refunding bonds; regulations. 84, 7 Mr 03
- z Va.** County supervisors may retire old bonds and issue new ones in payment at same or lower interest; regulations. 145, 15 Ap 03
- 21 Va.** On request of town, judge of County Court or of Circuit Court, after Mar. 1, 1904, to order election on question of bond issue; regulations; judge to designate election officers. 184, 27 Ap 03
- 22 Wis.** Referring to next Legislature amendment to Constitution art.2 §3: cities over 25,000 to levy annual tax sufficient to pay principal and interest of public debt within 50 years. *Not repassed by Legislature of 1903.* p.715, '01
- 23 Wis.** Providing for refunding of debts contracted by municipalities or school districts. Adding §942c to S. '98. 9, 9 Mr 03
- 24 Wis.** Amending S. '98 §926 subdiv.11 as to power of city under special charter to refund general indebtedness. 228, 11 My 03
- 25 Wis.** Amending S. '98 §925 subdiv.133 as to power of cities to refund general indebtedness. 277, 14 My 03
- 26 Wis.** Ordinance authorizing bond issue for streets, school, waterworks, sewerage, parks and public grounds in towns, villages and cities to be submitted to voters if within 30 days after passage petition of 10% of voters is filed. Amending S. '98 §943. 312, 18 My 03
- 2598 Limitation of indebtedness**
- a Kan.** Repealing '03 ch.125 restricting bonded indebtedness of cities of 50,000, contracted for improvements, for which special tax is levied, to 20% of assessed valuation. 36, 26 Je 03

- b **Kan.** Cities from 250 to 2000 may issue bonds to 40% [formerly 25] of assessed valuation to fund floating debt, protect city property, or repair banks or channels of streams. Amending G. S. '01 §1118.  
42, 26 Je 03
- c **Mo.** Cities of 2000 to 30,000 may incur indebtedness exceeding constitutional limit by 5% to erect or acquire water or light plants. Adding §6350a to R. S. '99. p.93, 17 F 03
- d **Mon.** Cities having exceeded constitutional limit of indebtedness may by majority vote liquidate indebtedness by special 3 mill tax. 15, 24 F 03
- e **N. J.** Financial board of cities may issue bonds to amount equaling \$5 [formerly \$4] per capita. Amending '98 ch.24 §1.  
227, 8 Ap 03
- f **N. Y.** Submitting amendment to Constitution art.8 §10 excepting debts of New York city for water supply from constitutional limit of city indebtedness. *Vote November 1905.* p.1456, 23 Ap 03
- g **Tenn.** Submitting amendment to Constitution art.11 §19 limiting indebtedness of counties, cities and towns to 10% of value of taxable property. *Vote November 1904.* 532, 2 Ap 03

2600

### Deposits and depositories

- a **Ark.** Tax collectors and county and municipal treasurers may deposit public funds in bank. Amending S. '94 §1849. 82, 17 Mr 03
- b **Me.** Towns may deposit trust funds for repair of burying grounds in savings banks. Amending R. S. '83 ch.15 §15.  
5, 11 F 03
- c **Minn.** Council of village, borough or city under 10,000 may designate depository for public moneys. 18, 20 F 03
- d **Mon.** Amending P. C. §4367 relating to deposit of *county and other moneys* [formerly state moneys] paid to county treasurer in national, state *or private* banks; proviso. 5, 16 F 03
- e **Neb.** County depositories: county board or treasurer to designate state, national *or private* bank; may select banks outside of county under certain conditions; minimum rate of interest 2% [formerly 3]; monthly report to treasurer *and county board*. Amending C. S. '01 §2290, 2292, 5088. 110, 3 Ap 03
- f **N. D.** County commissioners may make time deposits of county funds in excess of \$3000. 75, 10 Mr 03
- g **S. D.** Amending P. C. '03 §350-51 relating to bonds required from depositories of county funds. 125, 12 Mr 03

2601

### Police

See 872

2602

### Fire department

See also Fires, 1092

2603

### General organization

- a **Ill.** In cities of 7000 to 100,000, mayor with consent of council to appoint bipartisan board of fire and police commissioners of 3 mem-

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bers, for 3 years; powers and duties; members of department to be appointed on examination; board to remove only for cause on hearing; appeal; annual report to mayor; provision for referendum.

p.97, 2 Ap 03

2606

**Finances****2607 Appropriation. Taxes. Bonds**

a **Minn.** Tax on premiums received by fire insurance companies from municipalities having organized fire departments to be refunded to such municipalities or to fire department relief associations; moneys to be expended for relief, service pensions and maintenance of department; provisos.

20, 20 F 03

b **Mon.** Taxes paid by fire insurance companies to be applied to maintenance of fire departments in places where insurance business is carried on.

113, 7 Mr 03

c **N. Y.** Fire commissioners of fire district outside incorporated village may not spend over \$100 a year without appropriation; to report annually to board of supervisors. Amending county law, '92 ch.686 §37.

196, 24 Ap 03

**2608 Property****2609 Apparatus**

a **N. J.** Governing bodies of cities may purchase steam fire engines.

38, 13 Mr 03

**2610 Buildings**

a **N. J.** Towns may erect engine houses for fire protection at cost not to exceed \$75,000 [formerly \$50,000]; bonds. Amending '00 ch.18.

12, 3 Mr 03

b **N. J.** Governing boards of cities of 100,000 may issue bonds to \$50,000 for fire department buildings.

121, 7 Ap 03

**2611 Independent and volunteer companies**

a **N. Y.** Village hook and ladder company may comprise 65 [formerly 45] members. Amending village law '97 ch.414 §202.

202, 24 Ap 03

2612

**Officers***See also* Fire marshal, 1093

a **N. J.** Fixing salaries of officers and employees of fire department in cities of 100,000.

60, 24 Mr 03

**2613 Appointment and removal**

a **Okl.** City authorities to appoint chiefs and men of paid fire departments; qualifications; prohibitions.

6 art.3, 16 Mr 03

**2614 Exemptions**

a **N. J.** Extending privileges of exempt firemen to those having served 7, though not consecutive, years.

77, 26 Mr 03

b **N. D.** Exempting from poll tax volunteer firemen in cities, towns and villages which have organized fire departments belonging to North Dakota Firemen's Association.

138, 10 Mr 03



**2616 Pensions. Relief**

- a **Cal.** Board of trustees of firemen's relief and pension fund *must* [formerly may] allow half pay pensions to firemen who have been injured or have served 20 years and reached age of 60 years; pensions for wife, children *or dependent parents* of firemen accidentally killed. Amending '01 ch.87 §3, 4, 6. 143, 16 Mr 03
- b **Ct.** Relief to members of State Firemen's Association not to be awarded for injuries received in fire practice and drill. Amending G. S. '02 §139. 11, 25 Mr 03
- c **Mass.** Amending R. L. ch.58 §73 relative to apportionment of firemen's relief fund by commissioners: fixing term of commissioners at 3 years. 253, 17 Ap 03
- d **N. H.** \$2000 annual appropriation, in addition to firemen's relief fund, may be paid to New Hampshire State Firemen's Association as state trustee, in case treasury be depleted. Adding §3 to '99 ch.64. 128, 2 Ap 03
- e **N. J.** Supplementing G. S. '95 p.1494 relating to organization of firemen's relief associations in fire districts: membership; boundaries of association; adjacent districts. 67, 25 Mr 03
- f **N. J.** Firemen, incapacitated by performance of regular *or special assigned* duty may be pensioned. Amending '97 ch.148 §1-2. 212, 8 Ap 03
- g **N. D.** Annual appropriation of \$1500 [formerly \$1000] for North Dakota Firemen's Association. Amending R. C. '99 §1031. 12, 10 Mr 03

**2617 Salaries**

- a **N. J.** Salaries of chief engineer and assistant engineer of fire department not to exceed \$3000 and \$2500 respectively in cities of 100,000. 23, 13 Mr 03

**2619 State firemen's associations**

- a **S. D.** State Firemen's Association, comprising municipal fire departments of state, made a state institution; annual tournaments; \$1000 annual appropriation. 24, '03

**2620 Public works. Public improvements***See also* Cemeteries, 1054; Morgue, 1063**2621 Local improvements (general)**

- a **Minn.** Providing for public improvements in villages and cities under 10,000 on two thirds vote of council or petition of majority of owners of abutting property; regulations. 382, 21 Ap 03
- b **N. J.** Cities of 12,000 to 100,000 may make street and sewer improvements; assessments; bonds. 133, 7 Ap 03

**2622 Bonds and taxes for improvements**

- a **Minn.** Town may, by majority vote of electors, issue bonds for building of roads, bridges and town halls; regulations. 36, 6 Mr 03
- b **Minn.** Village may by *five eighths* [formerly majority] vote issue bonds for construction of public improvements. Amending S. '94 §1235. 125, 3 Ap 03

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**Boards of public works**

- a Mo.** Mayor, comptroller and auditor of cities of 2d class to appoint board of public works, consisting of members chosen from both political parties; term 3 years; board to appoint city engineer, assistants and inspectors and supervise all public works excepting libraries; city council may not authorize work not recommended by board; powers of city engineer. p.60, 3 F 03

2625

**Eminent domain**

- a Me.** Regulating costs in appeals from award of county commissioners for property taken for public purposes. 113, 19 Mr 03
- b N. J.** Boroughs may acquire lands for public purposes by purchase or condemnation. Supplementing '97 ch.161. 207, 8 Ap 03
- c N. J.** Boroughs may take land for construction of sewers, drains, sewage disposal works and water supply systems; appraisal. Supplementing '97 ch.161. 213, 8 Ap 03
- d N. M.** Proceedings to obtain condemnation of property for municipal purposes to be same as for railroad purposes. Amending C. L. '97 §2402 subdiv. 92. 41, 12 Mr 03
- e Pa.** Bond of city may be given as security in taking property for public use; proviso. 30, 11 Mr 03
- f Pa.** Cities may purchase or condemn real estate for construction of public buildings or works; procedure. 64, 26 Mr 03
- g Pa.** Court of Quarter Sessions to confirm reports of viewers assessing damages and benefits within 30 days unless exceptions are filed; collection of award. 76, 27 Mr 03
- h Pa.** Amending '91 ch.59 §2, 6 relating to assessment of damages to private property by street improvements; procedure. 91, 2 Ap 03

2627

**Municipal utilities (general)***See also Street railways, 1336.*

- a Kan.** Amending '97 ch.82 and '01 ch.107 relating to public utilities in cities: contracts with private companies; city may own and operate gas and oil wells; bond issues. 136, 13 Mr 03

2628

**Franchises (general)***See also Location of street railways, 1336*

- a Ari.** Municipal corporations to grant no franchises for public utilities except on vote of electors; franchises limited to 25 years. 81, 19 Mr 03
- b Cal.** Amending '01 ch.103 relating to sale of franchises in municipalities: advertisement; cash or certified check to accompany sealed bids; deposit of 10% of bid. 82, 6 Mr 03
- c Mon.** City or town franchise may not be granted without majority vote of resident freeholders at election held after 3 weeks' notice. 85, 5 Mr 03
- d Va.** Regulating granting of franchises: sale to be advertised; manner of receiving bids; franchise to be awarded on majority vote

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of 2 branches of city council; extension and amendment of franchises; Corporation or Circuit Court to have jurisdiction by mandamus; penalties.

138, 7 Ap 03

Regulating grant and extension of city franchises; referendum on demand of 20% of voters.

387, 21 My 03

## Municipal ownership (general)

Cities and towns may establish permanent fuel yards to sell fuel at cost to inhabitants.

122, 19 Mr 03

Cities under 30,000 may erect or acquire plants for furnishing public utilities of any kind and may appoint board of public works consisting of 4 persons, to control plants, appoint subordinates and fix rates. Adding §6501a-k to R. S. '99.

p.95, 23 Mr 03

## Rates. Charges

On complaint of 5 citizens, city or town council may regulate rate charged for water, gas or electric light.

156, 21 Ap 03

Amending R. L. ch.121 §33 as to means of forcing gas and electric light companies to furnish gas or electricity on legal and reasonable terms.

164, 19 Mr 03

## Refrigerator companies

Corporations may establish system of refrigeration on contract with municipal or borough authorities and subject to their regulation.

Amending '95 ch.163 §2. 235, 25 Ap 03

## Light. Power. Heat

## State supervision

Amending G. S. '02 §4569, 4570, 4572-73 and repealing §4575 relating to illuminating gas: standard; salary of inspector; fees;

148, 9 Je 03

Amending R. L. ch.121 §31 relating to annual returns of gas and electric light companies.

406, 2 Je 03

Amending R. L. ch.58 §14 relating to inspection of gas: Board of Gas and Electric Light Commissioners.

464, 24 Je 03

## Municipal plants

Minor amendment to R. L. ch.34 §10 as to the purchase of electric lighting plants by cities and towns.

255, 17 Ap 03

Amending S. '04 §1225 relating to establishment of light villages.

29, 4 Mr 03

Governing body of city over 50,000 owning gas or electric plant to three fourths vote contract for purchase of gas or to operate such plant.

144, 6 Ap 03

Cities under 3000 and villages may establish heating and power plants. Amending '01 ch.22.

25, 7 Ap 03

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## 1636 Public lighting contracts

- a Cal. Repealing '95 ch.169 relating to contracts for lighting streets and public buildings. 31, 20 F 03
- b Me. Municipalities may contract for gas and electric light. 61, 10 Mr 03
- c Minn. Cities of 10,000 to 50,000 may contract for light supply. 185, 14 Ap 03

## 1637 Light, heat and power companies

## 1638 General and miscellaneous

- a Kan. Institution of learning not under state control may maintain electric plant for private or public purposes. 236, 12 Mr 03
- b Mich. Extending provisions of C. L. '97 ch.191, '99 ch.96 relating to electric light companies, to consolidated companies formed prior to June 1, 1899 by union of street railway and electric light companies; procedure. 61, 28 Ap 03
- c Mich. Conferring on electric light corporations right to generate and sell steam heat. Adding §11a to '81 ch.70. 126, 20 My 03
- d Nev. Unlawful for electric light company to refuse to connect with property within 500 feet of main wire. 43, 9 Mr 03
- e N. J. Corporations authorized to lay pipes or mains in municipality may use same to pipe gas to other municipalities. 179, 8 Ap 03
- f Pa. Corporations using electric current may contract for lease of systems or joint use of poles, wires and conduits; proviso. 41, 19 Mr 03
- g S. D. Electric light, street railway and power companies may incorporate: organization; powers and duties; condemnation proceedings. 107, 12 Mr 03
- h Tenn. Railroad corporation operating electric lines may acquire electric plant, franchises etc., for supplying light and power; privilege taxes to be levied as on electric light and power companies. Amending '75 ch.142 §6, 18. 406, 11 Ap 03
- i Wash. Regulating electric power plants: legislative body of city or town or county commissioners may grant right of way on roads, or streets; company may condemn land for corporate purposes; may lease or purchase similar corporation; exceptions. 173, 12 Mr 03

## 1639 Accidents. Liability

- a Me. Electric companies to be liable only for negligence in erecting and maintaining posts and wires. Amending '85 ch.378. 133, 24 Mr 03

## 1641 Franchise

- a Id. Electric power companies may set up poles and wires on public roads outside incorporated cities and towns; proviso. p.343, 4 Mr 03
- b Me. Amending '85 ch.378 regulating erection of electric lines and posts: in case of plantations and unorganized townships, permit from county commissioners; proceedings on appeal. 231, 28 Mr 03

- c Mo. Mayor and council of city of 3d class may grant 30 year franchise for laying pipes on streets and public places for heating purposes. p.77, 23 Mr 03
  - d Mo. Council of city of 3d class may regulate price and quality of lights furnished under franchise granted by city. Amending R. S. '99 §5835. p.78, 24 Mr 03
  - e N. H. Amending P. S. ch.81 §2 relative to locating and licensing lines of electric light companies: mayor and aldermen may delegate authority. 81, 20 Mr 03
- 2645 **Placing of poles, wires, pipes etc.**
- a Mass. Mayor and aldermen or selectmen to regulate placing of poles, wires etc.; *notice and hearing to be given except in case of street railway companies.* Amending R. L. ch.122 §2. 237, 15 Ap 03
  - b Pa. Cities under 100,000 may designate reasonable district in which electric wires shall be placed underground; may regulate or take by purchase or condemnation conduits owned by private companies. 262, 28 Ap 03

2648

**Water***See also Pollution of waters, 1070; Water rights, 1190*

- a Mass. City or town may authorize laying of water pipes under public ways. 459, 23 Je 03
  - b S. C. Municipal or private corporation or individual supplying water to municipal corporation may lay pipes under bed of nontidal navigable stream and, with consent of county authorities, on or under highway. Amending C. C. by adding §2023a. 44, 23 F 03
- 2649 **Eminent domain**
- a Ct. Amending G. S. '02 §2599-601 relative to taking of land for water supply and issue of injunctions to prevent injury to water supply. 192, 18 Je 03
  - b Kan. City water company may condemn land. Amending G. S. '01 §3758. 340, 11 Mr 03
  - c Minn. Cities under 10,000 may institute condemnation proceedings for waterworks and issue bonds; procedure. 284, 18 Ap 03
  - d Minn. Village may take private property by eminent domain for waterworks; procedure. Amending S. '94 §1240. 388, 21 Ap 03
  - e Tenn. Authorizing companies, contracting to supply state charitable institutions with water, to condemn springs, creeks and waters and riparian rights; procedure. 134, 23 Mr 03

2650

**Municipal works**

- a Ark. Amending S. '94 §5134 relating to power of municipal corporations to acquire water supply. 88, 20 Mr 03
- b Cal. With approval of majority of voters, legislative bodies of two or more incorporated cities may acquire and operate joint system of water supply; bond issue; apportionment of costs. 279, 24 Mr 03

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- c **Kan.** Cities from 15,000 to 20,000 may provide waterworks: may borrow money and issue 6% bonds maturing in 10 to 20 years. Repealing G. S. '01 §770, 773. 38, 26 Je 03
  - d **Mass.** Amending R. L. ch.12 §12 relating to valuation of land in city or town taken by another city or town for water supply. 161, 18 Mr 03
  - e **Minn.** Amending S. '94 §1240, 1244 as to establishment of waterworks by villages. 28, 4 Mr 03
  - f **Minn.** Amending S. '94 §1225 relating to establishment of water plants in villages. 29, 4 Mr 03
  - g **Minn.** Cities under 10,000 having sold waterworks with right of purchase reserved may issue bonds to repurchase; proviso; regulations. 50, 11 Mr 03
  - h **Minn.** Cities over 50,000 may issue bonds not exceeding \$100,000 for extension of waterworks. 303, 20 Ap 03
  - i **Neb.** City under 5000 may issue bonds not exceeding 20% [formerly 10] of assessed valuation for fire apparatus and water supply; salary of water commissioner may not exceed \$1000 [formerly \$400]. Amending C. S. '01 §1400. 21, 8 Ap 03
  - j **N. Y.** Village board of water commissioners may expend certain limited sums in extending water mains and pipes or *improving existing plant*. Amending village law '97 ch.414 §224. 131, 6 Ap 03
  - k **N. D.** Council of incorporated city owning system of waterworks may improve or extend such system; assessments; regulations. 210, 13 Mr 03
  - l **Tenn.** Amending '99 ch.32 whereby taxing districts, cities or towns of 60,000 may issue bonds for waterworks purposes not to exceed \$3,500,000; procedure. 339, '03
  - m **U.** City council or town trustees may acquire waterworks; condemnation proceedings; on protest of one third of resident taxpayers, question to be submitted to voters. 103, 12 Mr 03
- 2652 **Water tax**
- a **N. J.** Governing body of city, town or borough may include rental for fire hydrants in general tax levy. 138, 7 Ap 03
- 2653 **Use of water system**
- a **Nev.** Unlawful for water company to refuse to connect with property within 500 feet of main pipe. 43, 9 Mr 03
- 2654 **Water commissioners**
- a **Col.** City of 15,000 not under special charter, may elect board of trustees of waterworks to operate municipal works. 176, 15 Ap 03
  - b **N. J.** Governing body of cities complying with G. S. '95 p.646 '1902 may appoint board of 5 water commissioners for 5 years; powers and duties; bonds. 167, 8 Ap 03
- 2655 **Water companies**
- a **Fla.** Water companies to clean tanks and flush mains semi-annually; penalty. 90, 20 My 03

- b Me. Municipalities may contract for water. 61, 10 Mr 03
- c Minn. Cities of 10,000 to 50,000 may contract for water supply. 185, 14 Ap 03
- d N. J. Water companies incorporated under G. S. '95 p.2199 §352 may make mutual contracts, lay pipes, etc.; municipality to designate location. 154, 8 Ap 03

2660

### Sewerage

*See also* Pollution of water, 1079; Drainage, 1291

2661

#### Sewerage systems. Construction generally

- a Cal. Amending '95 ch.95 §22 relating to construction of sewers: notice; hearing; contract. 109, 10 Mr 03
- b Id. Sewerage systems: city or town may establish on petition of majority of persons subject to assessment or by three fourths vote of council or trustees; sewer committee, consisting of 3 persons appointed triennially by mayor or chairman of trustees, to have charge of construction; to make quarterly reports to city clerk; assessments; improvement bonds. p.26, 20 F 03
- c Kan. Minor amendment to '99 ch.81 §1 relating to construction of sewers in cities over 15,000. 124, 2 Mr 03
- d Minn. Minor amendment to '01 ch.167 authorizing cities and villages under 10,000 to construct sewers and assess cost against adjoining property. 215, 14 Ap 03
- e Minn. Cities under 10,000 may establish, relay or extend system of sewers; cost of general, district and lateral sewers to be borne by sewer fund, district and abutting property respectively; assessments: regulations. 312, 21 Ap 03
- f Neb. Cities under 5000 may establish sewerage systems; estimate of cost; bond issue and tax levies; special assessments for lateral sewers. 22, 11 Ap 03
- g N. J. Governing bodies of cities may correct defective or insufficient sewers and issue bonds to \$75,000; assessments. Supplementing G. S. '95 p.605. 36, 13 Mr 03
- h N. J. Extending term of commissioners of Passaic valley sewerage district; board to acquire lands by purchase or condemnation and to construct sewers and sewage disposal works, main sewer to discharge into New York bay; board to investigate liability to pollution of waters of New York bay and receive approval of report by governor and attorney general prior to construction of main sewer; issue of 4%, 50 year bonds to \$9,000,000; sinking fund; on application of board, Court of Chancery to issue injunction. 102, 1 Ap; ex. sess. 1, 21 Ap 03
- i N. J. Cost of town systems of sewers to be limited to 7% [formerly 5] of valuation of property. Amending '02 ch.124 §9. 237, 8 Ap 03
- j N. M. Amending '01 ch.72 §3, 5 relating to sewers: assessments to be apportioned according to *frontage* [formerly value]; may be payable in 10 [formerly 3] instalments; sewer certificates. 96, 18 Mr 03

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- k N. Y.** Amending public health law '95 ch.203, 908 as to construction of sewer on recommendation of local board of health and approval of State Department of Health. 222, 24 Ap 03
- l Okl.** Municipal corporations over 1000 [formerly 2500] may construct sewers; contracts; special assessments; tax. Amending and supplementing S. '03 §416. 6 art.1, 16 Mr 03
- m S. D.** Cities may construct sewer systems on vote of two thirds of aldermen: sewerage districts; contracts; assessment; payment; sewerage tax. Repealing P. C. '03 §1352-73. 213, 12 Mr 03
- n Wis.** President and trustees of village may *levy 5 mill tax or* borrow money for sewer purposes. Amending S. '98 §919c. 87, 20 Ap 03
- p Wis.** Amending S. '98 §927 relating to construction of sewers and drains by villages and cities specially incorporated; amending §919a and 919d whereby villages may construct and operate sewage disposal plants. 169, 6 My 03

## 1663 Eminent domain

- a Me.** Location of sewer crossing right of way of railroad, on failure of municipal officers of city or town to agree with railroad corporation, to be determined by railroad commissioners; regulations; report. Supplementing R. S. '83 ch.16. 138, 24 Mr 03

## 1664 House connections

- a Mass.** Owner of real estate abutting on public way in which there is a drain for surface water and a sewer, to provide such plumbing on property as to keep waters separate from sewage. 383, 26 My 03

## 1667 Joint, trunk and outlet sewers

- a Ind.** Construction of joint sewers by contiguous cities and towns. 231, 10 Mr 03
- b N. J.** Supplementing '99 ch.36 relating to joint construction of sewers by municipalities: continuance of officers and compensation to completion of work; reorganization of boards to maintain sewer; assessments. 19, 5 Mr 03
- c N. J.** Sewerage boards or commissioners of municipality may levy assessments on lands benefited by trunk sewer with which lateral sewer connects. 100, 1 Ap 03
- d N. J.** Financial board of municipality may determine that property shall not be assessed for benefits from sewers constructed jointly with other municipality. Amending '02 ch.12. 230, 8 Ap 03

## 1671 Sewer assessments

- a N. J.** Special assessments for construction of sewers or drains in cities of 100,000. to be payable in instalments; interest. 73, 26 Mr 03
- b N. J.** Governing bodies of cities may appoint board to make sewer assessments where proceedings defective; regulations. 220, 8 Ap 03



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Amended. § 206 §2 16 relative to assessments for  
notice of hearing. 262, 14 Ap 03

## ~~Large~~ companies

may be constructed in cities of 4th class  
to purchase by city. Adding \$59700 to  
p.81, 25 Mr 03

## Parks Public grounds. Boulevards

State parks, 798

### Establishment. Support

of parks bordering on public waters may  
by extensions over waters; grant of sub-  
p.256, 14 My 03

for ch.105 §119 relating to maintenance of  
park commissioners on approval of voters  
additional tax of 1/2 mill. p.263, 14 My 03

to 15,000 may establish public parks on  
taxpayers and vote of majority of legal voters;  
135, 3 Mr 03

boards in cities over 50,000 may use moneys arising  
in addition to moneys provided by law.

4, 4 F 03

over 10,000 may construct parks along artificial  
130, 3 Ap 03

commissioners of cities under 10,000;  
as there are wards and one member of  
mayor with consent of council [former]  
of board limited to 1/2 mill tax; provide  
243, 17 Ap 03

city of over 50,000 may purchase tract of  
not cost not exceeding \$5000. 354, 21 Ap 03

100 taxpaying voters of city of 2d or 3d  
council to submit to electors question of  
establishing and maintenance of parks; mayor  
appoint board of directors consisting of  
p.70, 20 Mr 03

may acquire ocean fronts for  
132, 7 Ap 03

from sale or lease of coal under public park  
to be used for park improvements and in  
of park improvement bonds. Supplies  
157, 10 Ap 03

established by acts of 1870 may  
tax of mills [formerly 1/2] Ap 03  
312, 15 Ap 03

of ch.182 §181 relating to park commission-  
250,000 31, 1 Mr 03

## ADMINISTRATIVE LAW LOCAL GOVERNMENT

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## 2681 Boulevards and driveways

- a **Ari.** Cities or villages of 3000 may maintain public or private driveways beyond limits; may levy  $\frac{1}{2}$  mill tax. 45, 19 Mr 03
- b **Cal.** Board of supervisors may lay out boulevards. Adding  $\$25\frac{1}{2}$  to '97 ch.277. 144, 16 Mr 03
- c **Minn.** Council of city over 50,000 may by three fourths vote order grading of street to constitute thoroughfare from main portion of city to park. 161, 10 Ap 03
- d **Minn.** Cities over 50,000 may vacate streets for parkways and limit traffic thereon; exceptions. 191, 14 Ap 03
- e **N. J.** Boards of chosen freeholders may issue bonds, amounting to \$100,000 for speedways. Supplementing '02 ch.21. 181, 8 Ap 03
- f **N. J.** County boards having control of streets or roads may transfer control to county board of park commissioners. Amending '95 ch.91 §18. 234, 8 Ap 03
- g **Wis.** Cities under 150,000 may provide for improvement of streets and boulevards for park purposes. 77, 16 Ap 03

## 2684 Debts. Bonds

- a **Minn.** Cities over 50,000 may issue bonds not to exceed \$100,000 to add to fund for parks and parkways. 235, 17 Ap 03

## 2685 Eminent domain

- a **Pa.** Cities may take poorhouse property for public parks; cities making adequate provision for poor need award only nominal damages. Amending '95 ch.257. 242, 25 Ap 03

## 2689 Ordinances. Regulations

- a **Tex.** Relating to protection of public grounds from injury from vehicles, pedestrians or domestic animals. 121, 1 Ap 03

## 2700 Roads. Streets

## 2701 General

- a **Ari.** Incorporated cities and towns to have exclusive control of streets, highways, alleys and bridges; may levy special assessments; procedure. 10, 10 Mr 03
- b **Ill.** Designating 3 members of Good Roads Commission; term 2 years; to investigate systems and report to Legislature of 1905. p.302, 15 My 03
- c **Kan.** Amending G. S. '01 §6018, 6020-24, 6026 and repealing §6025 relating to roads: viewers; notice; survey; damages; board of review; roads on county or city lines. 411, 11 Mr 03
- d **Mo.** General road law to apply to counties under township organization. p.222 §5, 23 Mr 93. *Unconstitutional*. Contains more than one subject. *Shively v. Lankford*, 74 S. W. 835.
- e **Mon.** Generally amending P. C. §2600-849 relative to highways. 44, 2 Mr 03

## N. Y. STATE LIBRARY SUMMARY OF LEGISLATION 1903

- f **Neb.** Cooperation with national government in improvement of highways: county board may appoint chief of highways to receive applications from localities and report to county board; on resolution of county board, chief of highways to apply to United States Bureau of Public Roads; to give information to agent of bureau; county to pay one fourth of cost if national government pays one half. 84, 11
- g **N. M.** Post roads declared public roads; penalty for obstruction; county commissioners may permit fencing of roads over public lands. 58, 14
- h **N. Y.** Amending county law '92 ch.686 §69 and adding empowering boards of supervisors to authorize towns to build and repair highways and bridges and to purchase roads and toll bridges. 469, 7
- i **Okl.** Road law: township trustee to be supervisor of township board to appoint district overseers; duties and compensation; road and bridge taxes; half liquor revenue to go to road and bridge fund; regulations concerning bridges; condemnation proceeding. 29 art.1, 17
- j **Or.** Revision of highway law. 24p. p.262, 2
- k **Tenn.** Amending '01 ch.136 §1, 12 as to duties of district commissioners in counties under 70,000: neglect of duty an indictable offense. 249, 15
- l **Wash.** Road taxes and construction: poll tax; county road districts; annual county and district road tax; supervisor. Rej. Ann. C. & S. '97 §3807-33. 119, 16
- m **W. Va.** Amending '01 ch.92 §1 and adding §13, 14 relating to roads and turnpikes; conditions under which County Court is to pair same; commissioner of turnpikes to be appointed by court in certain counties. 36, 4

## 2702

## State road systems and state aid

- a **Ct.** Providing for printing biennially 3500 copies of report of highway commissioner. Amending G. S. '02 §134. 7, 18
- b **Ct.** Amending G. S. '02 §183 relating to time for transmission of report of highway commissioner. 143, 29
- c **Ct.** Amending G. S. '02 §2087-88 relative to construction of improved state roads: shade trees; stone crusher; deputies of state highway commissioner. 164, 11
- d **Del.** Providing for permanent improvement of highways by creating State Highway Commission; to investigate road system and report; annual county meetings and advise as to construction and improvement; state aid to 50% of county levy; procedure; biennial report to Legislature. 380, 14
- e **Fla.** Internal improvement fund: proceeds of sale of lands granted by United States for internal improvement to be distributed among counties for purpose of building hard roads. 140, 8

## ADMINISTRATIVE LAW LOCAL GOVERNMENT

270

- f Me.** Annual appropriation of \$40,000 [formerly \$15,000] for state roads; state aid to towns limited to \$200 [formerly \$100] a year. Amending '01 ch.285. 63, 10 Mr 03
- g Mich.** Establishing State Highway Department; creating state and deputy commissioners of highways; powers and duties; biennial report to governor. 203, 10 Je 03
- h N. H.** Creating road district and providing for construction of designated state roads therein under supervision of governor and Council. 54, 5 Mr 03
- i N. H.** Governor and Council to constitute commission to prepare state highway law; highway engineers may be appointed to procure maps of local and main highways to be used as basis for outlining system; plan of state aid; report to Legislature of 1905. 133, 2 Ap 03
- j N. J.** Generally amending '95 ch.223 relative to improvement of public roads: state proportion of one third not to exceed annually \$100,000 [formerly \$300,000]; county may issue bonds to two thirds estimated cost; extension of act to towns, villages, municipalities. 97, 1 Ap 03
- k N. J.** Municipalities on consent of county board of chosen freeholders may alter grade of public road within limits and make special assessment for benefits. Supplementing '03 ch.97. 231, 8 Ap 03
- l N. J.** Public roads running through 2 or more counties may be maintained jointly by boards of chosen freeholders; specifications to be approved by state commissioner of public roads; bonds; regulations. Supplementing '03 ch.97. 239, 8 Ap 03
- m N. Y.** State engineer may provide for partial payments not exceeding 90% [formerly 75] of contracts for highway construction; 10% [formerly 25] of contract price to be retained till completion of work. Amending '98 ch.115. 4, 16 F 03
- n N. Y.** State to bear 50% of cost of keeping certain county roads in repair. Adding §53b to highway law '90 ch.568. 269, 24 Ap 03
- p N. Y.** Referring to Legislature of 1905 amendment to Constitution art.7 by adding §12: Legislature may contract debts for improvement of highways, limited to \$50,000,000; counties to pay not more than 35%, or towns, 15% of cost of highway. p.1454, 2 Ap 03
- q Pa.** State highway law: creating State Highway Department; state to pay two thirds cost of improvement, remainder being paid by county and township equally; state aid for maintenance limited to 50% of annual cost; state highways defined; apportionment of cost by state highway commissioner; \$6,500,000 appropriated for 1904-9. 141, 15 Ap 03
- r U.** Establishing system of state highways: on application from county commissioners, state engineer may prepare plans for construction or repair of roads forming parts of system of state roads; expense to be equally apportioned between state and county, or state, county and town; procedure. 125, 23 Mr 03

## 2703 Road officers. Overseers. Street commissioners

- a Ark. County road commissioner *may* [formerly shall] be appointed on vote of electors to levy county road tax. Amending '99 ch.200 §1. 182, 29 Ap 03
- b Ga. Commissioners of roads and revenues in counties of 15,000 [formerly 75,000] may appoint *on recommendation of grand jury* inspectors of roads and bridges; proviso. Amending '99 p.89. p.104, 18 D 02
- c Ind. Amending '99 ch.175 §1-2 relating to road supervisors: election. 184, 9 Mr 03
- d Minn. In counties of 150,000 to 200,000 supervisors to appoint township overseers of highways. Amending '01 ch.256 §2. 109, 31 Mr 03
- e Minn. Amending '95 ch.46 relative to transfer of control of roads from overseers to township supervisors. 380, 21 Ap 03
- f N. Y. 1, 2 or 3 commissioners of highways to be elected at biennial town meeting. Amending town law '90 ch.569 §12. 57, 19 Mr 03
- g N. Y. Towns using money system of taxation for highways may fix compensation of commissioners of highways at not less than \$2 nor more than \$3 a day. Amending town law '90 ch.569 §178. 492, 9 My 03
- h N. D. Per diem of road supervisors \$2 [formerly \$1.50]. Amending R. C. '99 §1112. 155, 9 Mr 03
- i Or. Road district supervisors to take office on 1st Monday in January after election; vacancies to be filled by County Court. Amending Ann. C. & S. §4824. p.19, 9 F 03
- j Or. Minor amendment to Ann. C. & S. §4853 relating to annual appointment of county road masters. p.260, 24 F 03
- k Vt. Amending S. '94 §2980-81 relative to election of road commissioners. 55, 11 D 02
- l Vt. Town road commissioner not liable for damages due to failure to keep roads in repair, if insufficient funds are appropriated. Amending S. '94 §3446. 61, 11 D 02
- m Vt. Amending '98 ch.65 §3 requiring town road commissioners to make annual report to state commissioner *between Oct. 1 and 10*. 62, 9 D 02
- n Vt. Only voters of incorporated villages which have paid 15¢ of last highway tax to town treasurer for highways outside of village may vote for town road commissioners. 63, 21 N 02
- p W. Va. Amending C. ch.43 §4 relating to qualifications of county surveyor of roads. 38, 2 Mr 03

## 2704

## Road districts

- a Ari. Boards of supervisors on petition of majority of residents. may set apart locality as road district; procedure; tax levy. 44, 19 Mr 03

## ADMINISTRATIVE LAW LOCAL GOVERNMENT

2704-

- b **Fla.** Providing for division of counties into road districts. 134, 8 Je 03
- c **Mo.** Amending R. S. '99 §9602, 9612 relating to special road districts. p.260, 24 Mr 03
- d **Mo.** Amending R. S. '99 §10321 relating to division of township into road districts. p.272, 25 Mr 03

## 1705 General improvement. Contracts

- a **Cal.** Board of supervisors may order construction of expensive sections of road at county expense. Amending P. C. §2643. 64, 2 Mr 03
- b **Ct.** County commissioners may compel repair, *alteration or improvement* of highways on neglect of town to act. Amending G. S. '02 §2021. 90, 15 My 03
- c **Ga.** Amending C. §583, '97 p.20 relative to alternative road law: law may be suspended *by majority vote of qualified electors of county* [formerly only on recommendation of grand jury after 3 years]; 2d election or reestablishment by grand jury barred for 3 years; 33 counties excepted. p.26, 12 Ag 03
- d **Ga.** Amending C. §4868 authorizing judge of Superior Court on petition to issue mandamus against county road commissioners or road officials to compel building and repairing roads. p.41, 17 Ag 03
- e **Ind.** Highways used for free rural mail delivery must be kept in repair. 124, 9 Mr 03
- f **Ind.** Improvement of roads: on petition of majority of resident landowners, Board of Commissioners to appoint viewers to estimate costs, benefits and damages; contracts; assessments may be paid in certificates. 145, 9 Mr 03
- g **Ind.** Amending '01 ch.205 §4 relating to contracts for construction of gravel and macadamized roads. 146, 9 Mr 03
- h **Ind.** Amending '01 ch.202 §3-4 relating to free gravel roads: superintendents of roads to enforce law against heavy hauling; pay for work on road. 194, 9 Mr 03
- i **Kan.** Cities of 2000 to 15,000 may repair, or assist adjoining townships to repair public roads within 5 miles; if cost exceed \$2000, city may issue 5% bonds to mature in 5 to 20 years to amount of contract price, if authorized by election; regulations; special tax levy for sinking fund. 39, 26 Je 03
- j **Kan.** Township board may levy road tax not exceeding 3 mills and contract for construction of road. 491, 13 Mr 03
- k **Mass.** Cost of laying out or repairing highway to be borne by county *or by towns, as county commissioners may order*. Amending R. L. ch.48 §52. 243, 16 Ap 03
- l **Mich.** Township boards may borrow money and issue bonds for construction and care of highways; procedure. 231, 18 Je 03
- m **Minn.** Village council may appropriate money for maintenance of roads within 2 miles of village. 97, 28 Mr 03

2705-8

## N. Y. STATE LIBRARY SUMMARY OF LEGISLATION 1903

- n **Minn.** Village may issue bonds to aid in construction of roads and bridges within 2 miles of village limits. Amending '93 ch.200 §1-2. 329, 21 Ap 03
- p **Mo.** County Court may grade or improve roads: damages to be assessed by 3 commissioners appointed by judge or court. p.148, 26 Mr 03
- q **Mo.**  $\frac{1}{4}$  of revenue of special road district may be expended for macadam, gravel or rock roads within corporate limits of city within district; proviso. Adding §9610a to R. S. '99. p.261, 24 Mr 03
- r **N. J.** Boards of chosen freeholders may meet deficiency for maintenance of roads and bridges; regulations. Supplementing G. S. '95 p.430 ¶126. 25, 13 Mr 03
- s **N. C.** County commissioners may construct road from courthouse not exceeding 3 miles; regulations; exceptions. 258, 28 F 03
- t **Vt.** Towns, or cities and towns on vote of boards of aldermen or selectmen may unite to improve highways; apportionment; expense not to exceed 1% of grand list of year except on vote of special meeting. 60, 4 D 02
- u **W. Va.** Amending C. ch.43 §56a ¶13, 16, 17, '01 ch.42 relating to surveyors of roads: *on approval of county court* may reject bids and make private contracts; compensation. 39, 22 F 03

## 2706 Road machinery and material

- a **Ind.** Amending '01 ch.205 §1 as to change in materials selected for gravel, stone or macadamized roads. 165, 9 Mr 03
- b **S. C.** Cities and towns may own rock quarries for improving roads and streets and may operate them with convict labor. Amending C. C. by adding §2023c. 46, 20 F 03

2707

## Street improvement

*See also* Special assessments, 2568

- a **Kan.** Minor amendment to '99 ch.81 §1 relating to improvement of streets in cities over 15,000. 124, 2 Mr 03
- b **Neb.** Amending C. S. '01 §1388-89 relating to improvement of streets in cities under 5000: tax levy; establishment of parks. 20, 8 Ap 03
- c **N. M.** Regulating improvement of streets in cities: city council or town trustees may order improvement; notice; assessments. Repealing C. L. '97 §2402 subdiv. 82. 42, 12 Mr 03
- d **Pa.** Cities may make street improvements on three fourths vote of council and approval of mayor or city recorder; notice to be published *once a week for 3 weeks* [formerly 10 consecutive days]. Amending '95 ch.78. 234, 25 Ap 03

## 2708 Grading

- a **Kan.** Cities over 15,000 may contract for street grading and issue improvement bonds; special assessments to be levied as for paving and curbing. Amending '03 ch.122 §144. 35, 26 Je 03

## ADMINISTRATIVE LAW LOCAL GOVERNMENT

2709-

## 1709 Paving. Macadamizing

- a N. J. Council or governing board of cities of 100,000 may levy annual tax, 1904-8 for paving of streets. Supplementing '95 ch.217.  
4, 26 F 03
- b N. J. Village may issue bonds for street paving: assessments payable in 10 annual instalments. 113, 7 Ap 03
- c Wis. City may retain from asphalt company 10% of contract price as guaranty of provision that company shall keep streets in repair; may also require company to give bond. Amending S. '98 §925 subdiv. 186. 88, 20 Ap 03

## 1710 Street railways

- a Ct. On appeal from decision of local authorities, street railway companies are not to be required by railroad commissioners to use different paving material from that of rest of highway. Amending G. S. '02 §209. 209, 18 Je 03

## 1711 Location. Opening. Altering. Vacating

- a Col. Amending Ann. S. '91 §3930 relative to vacating roads. 159, 10 Ap 03
- b Fla. County commissioners may exercise eminent domain for road purposes. 125, 13 My 03
- c Ill. Expense of establishing road on section line to be borne by town. Amending R. S. '01 ch.121 §54. p.303, 14 My 03
- d Ind. Board of county commissioners may not authorize construction of highway through a cemetery. 118, 9 Mr 03
- e Me. Amending R. S. '83 ch.18 §29 relating to ways across station grounds of railroads: procedure. 78, 11 Mr 03
- f Minn. Road changed by order of county commissioners or town supervisors to remain open for 2 years unless vacated by commissioners or supervisors. 96, 28 Mr 03
- g Minn. Public grounds, streets or highways in city may be vacated on petition of *sole owner* or majority of resident land-owners; verification of plat of ground to be vacated. Amending S. '94 §1109. 120, 3 Ap 03
- h Minn. Providing for consideration by county commissioners of road through unplatted portion of village on petition of 24 freeholders and approval of village council. 166, 10 Ap 03
- i Minn. Cost of surveying and locating town cartways not extending from one highway to another to be borne by town and one half of damages to be paid by persons benefited. Amending S. '94 §1832. 242, 17 Ap 03
- j Mo. In road proceedings in counties under township organization appeals may be taken from township board to County Court, and from County Court to Circuit Court in all questions of law or fact; in such hearings, damages to be ascertained by jury of 6 disinterested freeholders. Amending R. S. '99 §10352. p.275, 23 Mr 03
- k Neb. Amending C. S. '01 §4509 relating to width of public roads. 78, 10 Ap 03



- l **Neb.** Relating to laying out roads to bridges over streams forming county boundary. 79, 7 Ap; 80, 25 Mr 03
- m **N. H.** Towns may discontinue highway *or make it subject to gates and bars*. Amending P. S. '01 ch.72 §1, 3, 4. 14, 17 F 03
- n **N. J.** Council or governing board of cities of 100,000 may raise \$100,000 for opening streets; assessments. 30, 13 Mr 03
- p **N. J.** Review of survey of road when caveat is filed; procedure. Supplementing G. S. '95 p.2803. 49, 17 Mr 03
- q **N. J.** Boards of chosen freeholders may change and improve roads with consent of owners. 61, 24 Mr 03
- r **N. M.** County commissioners may condemn property for streets and roads in unincorporated county seats. 91, 18 Mr 03
- s **N. Y.** Person may recover damages for change of grade of road repaired, graded or macadamized by town authorities; procedure. Adding §11a to highway law '90 ch.568. 610, 15 My 03
- t **N. C.** Amending C. §2056-57 relating to cartways. 102, 11 F 03
- u **Pa.** Court of Quarter Sessions may alter and widen public roads between municipalities; assessment of costs. 99, 3 Ap 03
- v **R. I.** Amending G. L. ch.71 §28, 30, '99 ch.666 relating to abandonment of highway: title of highway declared useless to revert to owner; proviso; procedure; appeal. 1106, 17 Ap 03
- w **S. D.** County commissioners on petition to establish, alter or vacate highways on lines between any city or incorporated town and portion of county not organized into civil townships; procedure. 152, 10 Mr 03
- x **Tenn.** Amending '01 ch.136 §7 as to procedure in opening or changing roads in counties under 70,000. 533, 1 Ap 03
- y **Vt.** Amendment to correct omission in '00 ch.49 amending S. '94 §3373 relative to laying out and altering highways. 59, 27 O 02
- z **Wash.** County commissioners may accept rights of way for public roads on public lands of United States. 103, 14 Mr 03
- z1 **W. Va.** Amending C. ch.43 §35, 36, 38 relative to establishment or alteration of county road, bridge and landing or *public road leading from main road*; court may establish latter if petitioner pay costs and damages, and repair road. 37, 27 F 03
- z2 **Wis.** Providing for laying out of highway from inclosed land in one town to adjoining town. Adding §1275b to S. '98. 287, 15 My 03
- 2712 **Streets**
- a **Ari.** Conveyance by cities and towns of property added by street alterations. 62, 19 Mr 03
- b **Cal.** Regulating laying out or widening of street. 268, 24 Mr 03
- c **Me.** Providing for vacating platted streets in town or city on petition of owners. 39, 4 Mr 03
- d **Me.** Amending '87 ch.97 relating to assessment of damages resulting from raising or lowering ways or streets; procedure. 48, 4 Mr 03

## ADMINISTRATIVE LAW LOCAL GOVERNMENT

2712-13

- e **N. J.** On application of 15 freeholders of borough and unanimous vote of council, latter desiring to alter or vacate streets may take easements and appropriate for public use. Supplementing '97 ch.161. 197, 8 Ap 03
- f **Wash.** County commissioners may allow streets to pass through county lands in incorporated cities or towns. 89, 14 Mr 03

2713

**Road taxes and work***See also* Special assessments, 25f8

- a **Fla.** County commissioners may levy special tax of 5 [formerly 3] mills for public roads, bridges and *river crossings*; exemptions of taxpayers from road duty where county tax exceeds 1 mill. Amending '95 ch.17 §20, 22, '01 ch.54. 130, 9 Je; 131, 4 Je; 132, 26 My 03
- b **Ill.** Amending R. S. '01 ch.121 §14 relating to levy of additional township road tax not over 4 mills. p.303, 15 My; p.304, 13 My 03
- c **Kan.** Township boards may levy special road tax of 3 mills annually; collection; expenditure. 491, 13 Mr 03
- ci **Mich.** When returns of road district overseers exceed \$100 a mile in any district, surplus to be credited to township highway fund. Amending C. L. '97 §4171, '99 ch.220 §5. 163, 28 My 03
- d **Mo.** Amending R. S. '99 §10326-27 relating to assessment of road taxes on real and personal property *including railroads, telegraph and telephone lines*; valuation of lines; date of payment of taxes. p.273, 26 Mr 03
- e **Mo.** Township board to prepare list of delinquent road taxes on real estate before *Mar.* [formerly May] 1. Amending R. S. '99 §10329. p.274, 9 Mr 03
- f **Neb.** Road tax in counties not under township organization may be paid *one half in labor and one half* in money; cash payments to constitute *county* [formerly district] road fund; labor tax. Amending C. S. '01 §4577, 4579, 4581-82. 82, 7 Ap 03
- g **N. M.** On petition of 100 taxpaying voters, county commissioners may levy 1½ mill tax for road purposes. 110, 19 Mr 03
- h **N. Y.** Road taxes assessed and road moneys received from state by towns adopting money system to be paid to town supervisor. Amending highway law '90 ch.568 §53. 228, 24 Ap 03
- i **N. D.** Amending R. C. '99 §1081-82, 1084 relative to county road fund: counties over 2000 [formerly 5000] may levy 1 mill tax; tax in counties not organized into townships; disbursement. 162, 10 Mr 03
- j **N. D.** Limiting township road tax to 8 [formerly 5] mills. Amending '01 ch.151 §2. 172, 13 F 03
- k **Tenn.** Counties under 70,000 may levy annual road tax of 2 mills; *provided certain portion of labor and funds be expended on building turnpike roads.* Amending '01 ch.136 §3. 242, 15 Ap 03
- l **Wis.** Limiting county levy, school district levy and town levy for road purposes to ½, 2, and 1½% [formerly 3, 5 and 2½] respectively; provisos. Amending S. '98 §430a, 776, 1074. 439, 22 My 03

## 2714 Poll tax and road work

- a Ark. Tax of \$1 [formerly 75c] equivalent to 1 day's work on roads; *overseer to spend tax on roads in district*. Amending '99 ch.200 §7. 189, 4 My 03
- b Ga. Amending '91 p.135, '96 p.78 §2-6 relating to road duty: *overseer* [formerly county tax collector] to receive commutation tax. p.103, 3 Ag 03
- c Mich. Amending C. L. '97 §4089 relating to commutation or working out of road tax on town highways. 165, 28 My 03
- d N. Y. Soldier or sailor having lost limb in *military or naval* service of United States to be exempt from highway labor. Amending highway law '90 ch.568 §33. 172, 14 Ap 03

## 2716

## Sidewalks

- a Ark. Cities may build and maintain sidewalks and curbing. 126, 8 Ap 03
- b Kan. Relating to footpaths along highway within 1 mile of city or town limits. 374, 13 Mr 03
- c Minn. Council of city over 50,000 may by four fifths vote order replacement of old sidewalks and assess cost against property benefited. 213, 14 Ap 03
- d Minn. Minor amendment to '01 ch.167 authorizing cities and villages under 10,000 to construct sidewalks and assess cost against adjoining property. 215, 14 Ap 03
- e Mo. Providing for planting trees and constructing footpaths along roads within 2 miles of cities of 50,000 to 200,000 at discretion of County Court or on petition of majority of resident property owners. p.259, 5 Mr 03
- f N. J. Borough councils may establish grades for sidewalks. 48, 17 Mr 03
- g N. Y. Amending '98 ch.182 §109 as to assessment of costs of repairing or cleaning sidewalks in cities of 50,000 to 250,000 on failure of owner to do so. 47, 16 Mr 03
- h Pa. Commissioners in townships of 1st class may provide for construction of sidewalks along highways and turnpikes passing through cities or towns. 197, 23 Ap 03
- i Wis. Adding subdiv.176a to S. '98 §925 relative to laying sidewalks or stone curbing in cities under 10,000. 108, 24 Ap 03

## 2718

## Bicycles and bicycle paths

- a Fla. Governor [formerly county judge] on petition of 50 wheelmen of any county to appoint county board of 4 side path commissioners for 4 years: license fees to be spent in maintaining cycle path in district where collected. Amending '01 ch.64 §1, 3, 4. 135, 4 Je 03
- b N. Y. Board of supervisors may raise tax not exceeding \$5000 for construction of side paths. Adding subdiv. 18 to county law '92 ch.686 §12. 465, 7 My 03

## ADMINISTRATIVE LAW LOCAL GOVERNMENT

2718-2

- c **Tenn.** Misdemeanor to use bicycles and tricycles at night without light. 125, 23 Mr 03
- d **Va.** Limiting speed of motor bicycles and tricycles to 15 miles an hour; speed to be reduced on approaching horses, or to come to full stop on signal; penalty. 42, 20 D 02

1720

**Toll roads**

- a **Tenn.** Turnpike companies may relocate tollgates when made necessary by construction of railroad; proviso. 338, 11 Ap 03

1721

**Public purchase**

- a **Del.** Court of General Sessions on petition of 10 residents of county may appoint jury of view of 5 members to condemn turnpike roads and make same into public highways; procedure; protection of rights of railways on road. 381, 16 Mr 03
- b **Mich.** Cities, villages and *townships* may acquire rights, property and franchises of toll or plank road companies; special assessments; procedure. Adding §4 to '93 ch.21. 159, 27 My 03

1722

**Miscellaneous**

1723

**Automobiles and motorcycles**

- a **Ct.** Regulating registration and numbering of automobiles and motor vehicles; owners to file statement with secretary of state; registration fee \$1; exceptions; fine. 107, 15 My 03
- b **Ct.** Amending G. S. '02 §2089 regulating speed of motor vehicles. 108, 15 My 03
- c **Del.** Regulating use of automobiles on public road: user to give warning and slacken on approach of teams; or on rounding curves; penalty; right of civil action for damages not abridged. 465, 31 Mr 03
- d **Ill.** Regulating automobiles and motorcycles: speed limit, 15 miles; precautions against frightening horses; penalties. p.301, 13 My 03
- e **Kan.** Regulating automobiles and motorcycles: requiring use of signals, brakes and lights; limiting speed; precautions against frightening horses; incorporated cities may regulate; penalty. 67, 13 Mr 03
- f **Me.** Regulating use of automobiles and motor vehicles on public ways: speed limit districts, 15 miles outside same; racing forbidden; to stop on signal from person driving or riding; to carry bell audible 300 feet, and lighted lamp 1 hour after sunset to hour before dawn; penalty. 237, 28 Mr 03
- g **Mass.** Regulating automobiles and motorcycles: registration with Massachusetts Highway Commission; distinguishing marks to be displayed in conspicuous place and on lamps; precautions against frightening horses; cities and towns may regulate speed limit, subject to appeal to Massachusetts Highway Commission; penalty. 473, 26 Je 03

- h Mich. Exempting automobiles from regulations imposed on steam vehicles operated on public highways. Amending C. L. '97 §5543, '99 ch.217. 71, 4 My 03
- i Minn. Regulating motor vehicles: speed limit; owner to take out license from state boiler inspector. 356, 21 Ap 03
- j Mo. Regulating use of automobiles: precautions against frightening horses; driver of carriage may demand right of way; license; number of license to be put in a conspicuous place and painted on lamps; penalty. p.162, 23 Mr 03
- k N. J. Licenses for motor vehicles issued by secretary of state; speed limit; lights, brake, signal device; penalties; local ordinances superseded; procedure. 55, 23 Mr 03
- l N. Y. Amending highway law '90 ch.568 §163 relating to motor vehicles: speed limit; registration of owners *and operators*; registered number to be affixed to vehicle; vehicle to be stopped on signal, *and engine on request* from person driving restive horses or other domestic animals; penalties. 625, 15 My 03
- m Pa. Regulating automobiles and motor vehicles: prothonotaries to issue certificates, which shall be posted on vehicle; display of registered number; speed limit 8 miles an hour in cities and boroughs and 1 mile in 3 minutes outside; proviso; lights; precautions against scaring horses; vehicle may be taken as bail. 202, 23 Ap 03
- n Tenn. Misdemeanor to use automobiles at night without light 125, 23 Mr 03
- p Vt. Automobiles and motor vehicles not to be run on public highway outside of limits of city or other urban center at speed exceeding 15 miles, or within such limits exceeding 6 miles an hour: reasonable precaution to prevent frightening horses; penalties. 64, 18 N 02
- q Va. Limiting speed of automobiles and motor vehicles to 15 miles an hour; speed to be reduced on approaching horses or to come to full stop on signal; penalty. 42, 20 D 02

2727

**Cleaning. Watering**

- a Cal. Board of supervisors may maintain oil tanks for sprinkling roads. Amending P. C. §2643. 64, 2 Mr 03
- b Kan. On petition of majority of resident owners of real estate fronting on street in city over 2000, mayor and council to have such street sprinkled; special assessment. 132, 11 Mr 03
- c N. M. City council may levy cost of sprinkling streets against abutting property. 116, 19 Mr 03

2728

**Damage through defect**

- a Me. Minor amendment to R. S. '83 ch.18 §80 relating to injuries through defective highways. 108, 18 Mr 03
- b S. C. Personal representative may bring action to recover damages for person killed through defect in public road, street or bridge. Supplementing C. C. §1347. 2023. 33, 21 F 03

## ADMINISTRATIVE LAW LOCAL GOVERNMENT

2730

2730

**Drainage**

- a **Cal.** Amending P. C. §2696 and adding §2696a relating to protection of highways from floods by means of flumes, ditches or canals; appropriation of district or county road funds; special levies.  
71, 3 Mr 03
- b **Mich.** Authorizing township highway commissioner to construct drains for highways across adjacent lands in certain cases; procedure.  
56, 27 Ap 03
- c **Neb.** In April and October road overseer to open ditches to keep water from road. Amending C. S. '01 §4574. 81, 6 Ap 03
- d **N. J.** Board of chosen freeholders may construct road drains through private property. Supplementing G. S. '95 p.2882.  
94, 31 Mr 03

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**Hedges**

- a **Mo.** Amending R. S. '99 §3315 relating to height of hedges along highway.  
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- a **Cal.** Removal of fences, buildings, trees, debris and other obstructions from state highway; drainage ditches across highway to be bridged; duties of state highway commissioner; penalties. .  
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- b **Col.** Person transporting heavy machinery on public roads to use planks to prevent injury to sidewalks, bridges etc. 158, 11 Ap 03
- c **Ct.** Railroad corporation to pay \$25 [formerly \$10] and costs for obstructing street with car exceeding 5 minutes. Amending G. S. '02 §2039.  
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- d **Fla.** Obstructing county or settlement roads a misdemeanor.  
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- e **Ind.** \$50 fine for dumping debris on public road or street.  
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- f **Me.** County commissioners may open county roads and bridges in unincorporated places, in case of heavy fall of snow. Amending R. S. '83 ch.6 §84.  
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- g **Wis.** Penalty for use of public highway for camping purposes after written notice to remove.  
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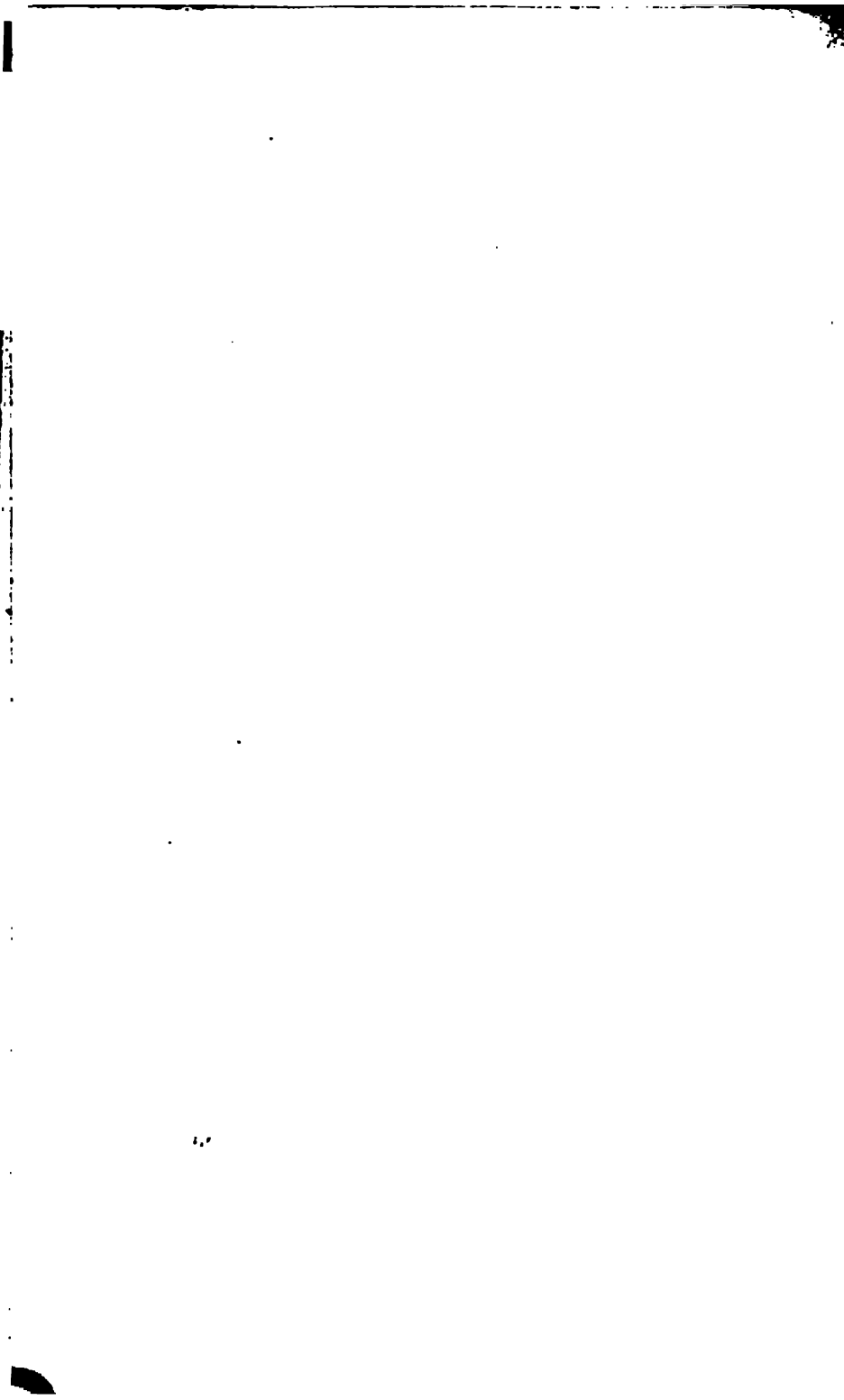
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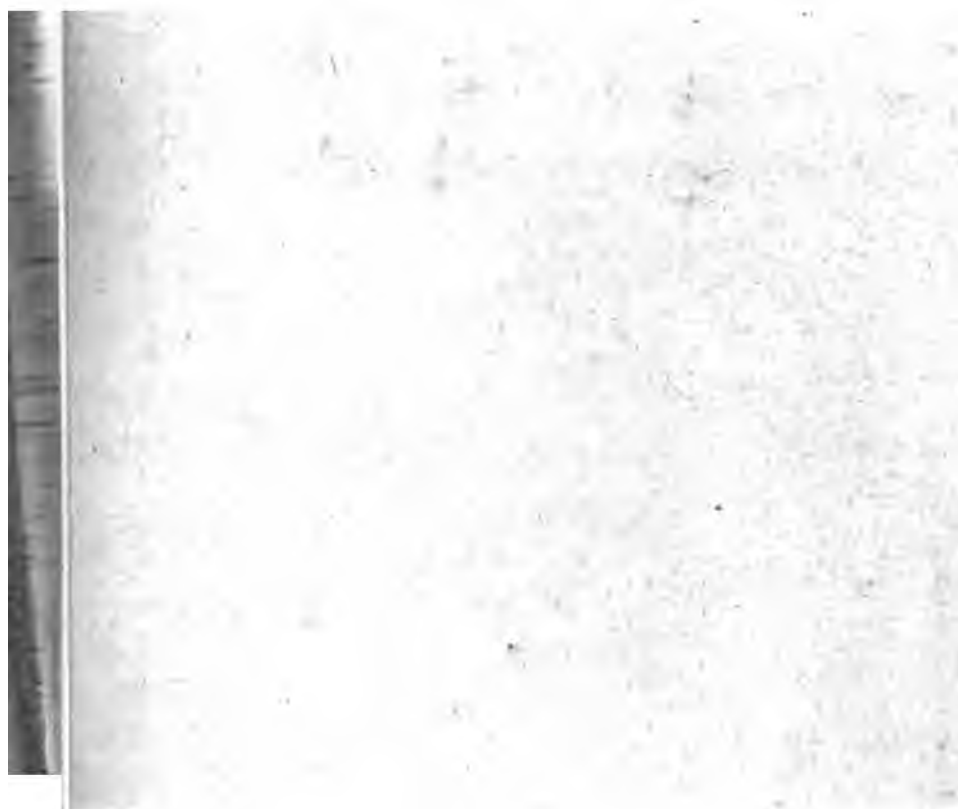












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